

EXHIBIT E



Planet Depos®
We Make It *Happen™*

Transcript of F. Michael Conte

Date: January 4, 2023

Case: Community Counseling & Mediation Services -v- Oxford Realty & Holdings
LLC

Planet Depos

Phone: 888-433-3767

Fax: 888-503-3767

Email: transcripts@planetdepos.com

www.planetdepos.com

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x

4 C.C.M.S. d/b/a COMMUNITY
5 COUNSELING AND MEDIATION
6 SERVICES,

Civil Action No.
20-cv-03429 (NRB)

7 Plaintiff,

8 v.

9 OXFORD REALTY & HOLDINGS LLC,
10 WEST 27TH STREET REALTY, INC.,
11 MARC PATURET, JOSEPH GRILL,
12 MAXIME TOUTON, F. MICHAEL
CONTE, NIGEL SHAMASH, and
other similarly situated
BOARD MEMBERS OF WEST 27th
STREET REALTY, INC.,

13 Defendants.

14 -----x

15
16 Videotaped Deposition of

17 F. MICHAEL CONTE

18 Conducted Virtually

19 Wednesday, January 4, 2023

20 10:09 a.m. EST

21
22
23 Job No. 475520

24 Pages 1 - 145

25 Reported by: Nancy C. Bendish, CCR, RMR, CRR

Transcript of F. Michael Conte

January 4, 2023

2

1 A P P E A R A N C E S:

2 (All participated remotely via
3 Zoom Videoconference)

4
5 ON BEHALF OF PLAINTIFF CCMS d/b/a COMMUNITY
6 COUNSELING AND MEDIATION SERVICES:

7 BAKER HOSTETLER
8 BY: TARA E. TURNER, ESQ.
9 45 Rockefeller Plaza
10 New York, New York 10111
11 212.589.4200

12 ON BEHALF OF DEFENDANTS 27TH STREET REALTY,
13 INC., JOSEPH GRILL, MAXIME TOUTON,
14 F. MICHAEL CONTE:

15 ABRAMS GARFINKEL MARGOLIS BERGSON LLP
16 BY: BARRY G. MARGOLIS, ESQ.
17 1430 Broadway, 17th Floor
18 New York, New York 10018
19 212-201-1170

20 ON BEHALF OF DEFENDANT MARK PATURET:

21 BARCLAY DAMON LLP
22 BY: MICHAEL CASE, ESQ.
23 1270 Avenue of the Americas
24 Suite 501
25 New York, New York 10020
212.784.5800

26 ALSO PRESENT:

27 EMIL WHITE, Planet Depos Technician

28 BRENDON SKIPPER, Videographer

PLANET DEPOS

888.433.3767 | WWW.PLANETDEPOS.COM

Transcript of F. Michael Conte
January 4, 2023

3

I N D E X

WITNESS	EXAMINATION
F. MICHAEL CONTE	
By Ms. Turner.....	5
By Mr. Case.....	142

E X H I B I T S

IDENT.	DESCRIPTION	PAGE
Exhibit RR	Email Dec. 27, 2019.....	110
Exhibit SS	Excerpted Pages 34-36 of the Offering Plan, COOP0397-399.....	126

Transcript of F. Michael Conte
January 4, 2023

4

1	THE VIDEOGRAPHER: Here begins	10:09:03
2	media number 1 in the videotaped deposition of	10:09:07
3	Michael Conte in the matter of Community	10:09:11
4	Counseling and Mediation Services v. Oxford	10:09:19
5	Realty & Holdings LLC in the United States	10:09:21
6	District Court, Southern District of New York,	10:09:23
7	Case No. 1:20-cv-03429.	10:09:26
8	Today's date is January 4th, 2023.	10:09:37
9	The time on the video monitor is 10:09 a.m.	10:09:40
10	Eastern Standard Time. The remote videographer	10:09:44
11	today is Brendon Skipper representing Planet	10:09:47
12	Depos. All parties of this video deposition are	10:09:50
13	attending remotely.	10:09:53
14	Would counsel please voice	10:09:54
15	identify themselves and state whom they	10:09:55
16	represent.	10:09:57
17	MS. TURNER: Tara Turner on behalf	10:10:00
18	of the plaintiff, Community Counseling and	10:10:02
19	Mediation Services.	10:10:10
20	MR. MARGOLIS: Barry Margolis,	10:10:11
21	Abrams Garfinkel Margolis Bergson for the	10:10:15
22	witness, Mr. Conte, for all other defendants	10:10:16
23	except for Marc Paturet.	10:10:22
24	MR. CASE: Michael Case with	10:10:23
25	Barclay Damon, representing the defendant Marc	10:10:26

Transcript of F. Michael Conte
January 4, 2023

5

1	Paturet.	10:10:30
2	THE VIDEOGRAPHER: The court	10:10:30
3	reporter today is Nancy Bendish representing	10:10:31
4	Planet Depos. Would the reporter please swear	10:10:33
5	in the witness.	10:10:35
6		10:10:43
7	F. M I C H A E L C O N T E, having been duly	10:10:53
8	sworn, testified as follows:	
9	THE REPORTER: Please state your	
10	full name for the record.	
11	THE WITNESS: Frank Michael Conte.	
12	EXAMINATION BY MS. TURNER:	
13	Q. Good morning, Mr. Conte. My name	10:11:01
14	is Tara Turner.	10:11:03
15	A. Good morning.	10:11:05
16	Q. I'm going to be taking your	10:11:06
17	deposition today. As I said earlier, I	10:11:08
18	represent Community Counseling and Mediation	10:11:10
19	Services, the plaintiff in this action.	10:11:14
20	I'm going to go over just some	10:11:16
21	basic instructions, and the most important thing	10:11:18
22	is that today we're essentially going to have a	10:11:23
23	conversation, but in question and answer form.	10:11:26
24	I'll ask you a number of questions and ask that	10:11:30
25	you answer each to the best of your knowledge.	10:11:33

Transcript of F. Michael Conte
January 4, 2023

6

1	Before answering, please wait	10:11:35
2	until I finish asking each question completely.	10:11:37
3	It's difficult for the reporter to capture	10:11:41
4	simultaneous conversations, so only one person	10:11:44
5	should be speaking at a time.	10:11:47
6	If you don't understand the	10:11:49
7	question, please ask me to repeat or rephrase	10:11:51
8	the question and I'll be happy to do so.	10:11:53
9	The court reporter will be taking	10:11:57
10	down my questions and your answers, so your	10:11:59
11	answers must be audible. Please say yes or no	10:12:01
12	rather than nodding your head. Do you	10:12:05
13	understand?	10:12:07
14	A. Yup.	10:12:09
15	Q. Thank you. I mentioned that I	10:12:10
16	represent Community Counseling and Mediation	10:12:13
17	Services. I may refer to them as CCMS	10:12:16
18	throughout your deposition. Do you understand	10:12:21
19	what that means?	10:12:23
20	A. Yes.	10:12:24
21	Q. I may also refer to the defendants	10:12:25
22	in this matter, which are West 27th Street	10:12:28
23	Realty, Inc., Marc Paturet, Joseph Grill, Maxime	10:12:33
24	Touton and yourself. If I refer to all	10:12:39
25	defendants, I will use "defendants" or the term	10:12:41

Transcript of F. Michael Conte

January 4, 2023

7

1	"co-op," but I may also refer more specifically	10:12:44
2	to board members of the co-op, in which case I	10:12:47
3	will identify them as the Co-op Board. Do you	10:12:52
4	understand?	10:12:55
5	A. I certainly do.	10:12:57
6	Q. Thank you.	10:12:58
7	If you need a break for any	10:12:59
8	reason, please let me know. I just ask that you	10:13:00
9	don't take a break while a question is pending.	10:13:04
10	A. Sure.	10:13:09
11	Q. Finally, Mr. Conte, I'm going to	10:13:09
12	be asking some questions today about race and	10:13:11
13	ethnicity of certain individuals. I don't mean	10:13:16
14	these questions to be insensitive and certainly	10:13:19
15	if you don't know the race or ethnicity of	10:13:22
16	someone, please say you don't know, but I wanted	10:13:25
17	to cover that ahead of time in case those	10:13:27
18	questions come up later.	10:13:31
19	A. Okay.	10:13:33
20	Q. Mr. Conte, do you understand that	10:13:35
21	you are now under oath?	10:13:36
22	A. Yup.	10:13:39
23	Q. And you understand that your	10:13:40
24	testimony that you're about to give has the same	10:13:42
25	force and effect as if you were testifying in a	10:13:44

Transcript of F. Michael Conte

January 4, 2023

8

1	courtroom?	10:13:47
2	A. Yes, I understand.	10:13:48
3	Q. Are you suffering from any medical	10:13:50
4	conditions, mental or physical, that would	10:13:53
5	prevent you from testifying fully and truthfully	10:13:56
6	today?	10:13:59
7	A. No.	10:14:00
8	Q. And are you taking any medications	10:14:01
9	or substances that would prevent you from	10:14:03
10	testifying fully and truthfully today or would	10:14:06
11	otherwise affect your recollection?	10:14:09
12	A. No.	10:14:11
13	Q. Is there anything else I should be	10:14:13
14	aware of that would prevent you from testifying	10:14:15
15	fully and truthfully today?	10:14:17
16	A. No.	10:14:21
17	Q. Thank you.	10:14:23
18	Mr. Conte, do you understand that	10:14:24
19	the parties agreed ahead of time to conduct this	10:14:28
20	deposition by remote means?	10:14:30
21	A. I'm sorry, say that again.	10:14:34
22	Q. Do you understand that the parties	10:14:36
23	agreed ahead of time to conduct this deposition	10:14:38
24	by remote means via Zoom?	10:14:40
25	A. Yes. That's why I'm here.	10:14:43

Transcript of F. Michael Conte
January 4, 2023

9

1	Q.	And do you understand that the	10:14:46
2		deposition is also being videorecorded?	10:14:47
3	A.	Yes.	10:14:51
4	Q.	Thank you.	10:14:53
5		Mr. Conte, have you ever been	10:14:54
6		deposed before?	10:14:57
7	A.	Yes.	10:14:58
8	Q.	When were you previously deposed?	10:14:59
9	A.	I'm going to say about 20 years	10:15:09
10		ago where there was an involvement with an	10:15:11
11		Arizona Mission lawsuit in New York County.	10:15:16
12		I was then deposed about, I'm	10:15:24
13		going to say -- time flies -- 15 years ago,	10:15:29
14		whereby we were the plaintiffs alleging that an	10:15:36
15		attorney had stolen money from us through	10:15:39
16		various transactions that we were doing at the	10:15:42
17		time. And then I was deposed in my role as	10:15:46
18		chairman of the Planning Board of Franklin Lakes	10:15:50
19		for a planning issue that went into litigation.	10:15:53
20	Q.	Okay. Starting with the first	10:16:00
21		time you said you were deposed, which I believe	10:16:04
22		was 20 years ago, do you recall what action that	10:16:08
23		was in?	10:16:11
24	A.	I don't know what you mean by	10:16:12
25		action.	10:16:13

Transcript of F. Michael Conte

January 4, 2023

10

1	Q.	The case name or lawsuit name.	10:16:14
2	A.	No. I have no recollection.	10:16:17
3	Q.	Do you recall what court the case	10:16:20
4		was in in connection with the deposition?	10:16:23
5	A.	I believe it was New York City,	10:16:27
6		Manhattan.	10:16:29
7	Q.	Okay. And what subjects did you	10:16:30
8		testify about in that deposition?	10:16:33
9		MR. MARGOLIS: Objection.	10:16:36
10	A.	Insurance coverages -- I'm sorry.	10:16:37
11		MR. MARGOLIS: Michael, during the	10:16:41
12		deposition, as your attorney I have an	10:16:42
13		opportunity to object. Doesn't necessarily mean	10:16:45
14		that you don't answer the question, unless I	10:16:47
15		tell you otherwise, but you need to give me an	10:16:49
16		opportunity after Ms. Turner asks you the	10:16:52
17		question to put an objection on the record to	10:16:55
18		the extent I believe that that's required, and	10:16:57
19		then once I put the objection on the record by	10:17:00
20		saying objection, you could then respond, unless	10:17:03
21		I tell you otherwise. Okay?	10:17:06
22		THE WITNESS: Okay. I'm sorry.	10:17:08
23		MR. MARGOLIS: That's okay.	10:17:10
24		Tara, you want to repeat your	10:17:14
25		question?	10:17:17

Transcript of F. Michael Conte
January 4, 2023

11

1	MS. TURNER: Yes. Thank you.	10:17:17
2	BY MS. TURNER:	10:17:20
3	Q. What subjects did you testify	10:17:20
4	about in that deposition 20 years ago?	10:17:23
5	MR. MARGOLIS: Objection. You can	10:17:25
6	go ahead and answer.	10:17:26
7	A. Thank you.	10:17:29
8	It was regarding insurance	10:17:30
9	coverages and whether an application was	10:17:32
10	properly presented to the carrier.	10:17:34
11	Q. And the deposition 15 years ago,	10:17:37
12	do you recall what action or lawsuit that was	10:17:41
13	in?	10:17:43
14	A. Yeah, that I recall very well.	10:17:45
15	That was Honig Conte Porrino, myself, my	10:17:47
16	partner, versus Kenneth Gott (phonetic).	10:17:53
17	Q. And which court was that action	10:17:56
18	in?	10:17:58
19	A. Again, we brought that in New York	10:17:59
20	City.	10:18:01
21	Q. And what was the subject of your	10:18:01
22	testimony in that action?	10:18:04
23	A. Ken Gott was the attorney who	10:18:07
24	represented us through the merger of his firm	10:18:10
25	and various other real estate transactions that	10:18:13

Transcript of F. Michael Conte

January 4, 2023

12

1 were occurring simultaneously. When all the 10:18:15
2 dust settled and our accountant went through the 10:18:20
3 closing statements, it was determined that there 10:18:24
4 was a large sum of money missing. We then 10:18:27
5 brought suit against Ken. 10:18:32

6 He had created some false 10:18:34
7 deductions, I guess you would call them. So, 10:18:38
8 for example, he put in there a pollution 10:18:41
9 abatement on a piece of property that we sold. 10:18:44
10 We were, like, we didn't spend \$500,000 on a 10:18:49
11 pollution abatement. And we wouldn't sign off 10:18:52
12 on the documents and we hired an attorney to get 10:18:56
13 to the bottom of it. He created that line item 10:18:58
14 entry to make off with that amount of money and 10:19:02
15 keep it for himself. 10:19:06

16 Through forensic investigation we 10:19:08
17 determined that he was living his lifestyle on 10:19:12
18 his IOLA account. As a result of the 10:19:15
19 litigation, we got him disbarred and we did get 10:19:19
20 a judgment against him, which we were never able 10:19:22
21 to collect upon. 10:19:27

22 Q. Thank you. And the most recent 10:19:28
23 deposition, do you recall what action or lawsuit 10:19:32
24 that was in? 10:19:37

25 A. I don't. It was in New Jersey. I 10:19:38

Transcript of F. Michael Conte

January 4, 2023

13

1 want to say Bergen County because that's where I 10:19:40
2 live, and I was chairman of the Planning Board 10:19:43
3 at the time. There was an allegation by the 10:19:47
4 attorney that his client was not properly 10:19:50
5 handled and there was a conspiracy going on to, 10:19:59
6 I guess -- a conspiracy against his client for 10:20:07
7 the application brought before us. The case was 10:20:11
8 ultimately dismissed. 10:20:13

9 Q. And what were the allegations of 10:20:17
10 conspiracy? 10:20:22

11 A. New Jersey has a law called the 10:20:24
12 Sunshine Law whereby members of the Planning 10:20:25
13 Board cannot discuss the case amongst themselves 10:20:32
14 unless there's a reporter present. And his 10:20:37
15 allegation was that we violated the Sunshine 10:20:40
16 Law. That was, I guess, the end of it. 10:20:48

17 Q. And this was in consideration of 10:20:49
18 an application to the Planning Board? 10:20:52

19 A. That's correct. 10:20:55

20 Q. Thank you. 10:20:55

21 In any of those actions where you 10:20:57
22 were deposed, did you also provide testimony in 10:20:59
23 court? 10:21:03

24 A. No. 10:21:03

25 Q. Have you provided testimony in a 10:21:05

Transcript of F. Michael Conte
January 4, 2023

14

1	courtroom in any other actions?	10:21:08
2	A. I would say there was -- oh, my	10:21:15
3	God, back in the '90s I was a witness I guess in	10:21:19
4	a criminal trial but I was dismissed because --	10:21:24
5	I don't know, they called me as a witness, I	10:21:27
6	went in, I sat down in the chair and they asked	10:21:29
7	me if I saw what occurred and I said no, which I	10:21:33
8	didn't, and they excused me. That was the	10:21:36
9	extent of my testimony. Somebody stole a wallet	10:21:39
10	I think and I found it and I turned it in and	10:21:45
11	that's where they brought me in.	10:21:47
12	Q. Understood. Do you recall what	10:21:48
13	court that was in?	10:21:51
14	A. Again, Manhattan, but I don't --	10:21:53
15	Manhattan. I don't leave Manhattan much.	10:22:00
16	Q. Have you ever provided testimony	10:22:04
17	in connection with an arbitration or mediation?	10:22:05
18	A. No.	10:22:14
19	Q. Mr. Conte, what did you do, if	10:22:16
20	anything, to prepare for the deposition today?	10:22:21
21	A. Well, I reviewed some emails that	10:22:26
22	went back and forth, and I got to read Nigel's	10:22:29
23	testimony, or whatever you call that, and I	10:22:33
24	spoke with my attorney.	10:22:37
25	Q. Understood. Did you speak with	10:22:38

Transcript of F. Michael Conte

January 4, 2023

15

1	anyone else?	10:22:40
2	A. My wife.	10:22:43
3	Q. Just to let her know you were	10:22:45
4	being deposed today?	10:22:47
5	A. Let's go with that.	10:22:51
6	Q. Did you meet with anyone regarding	10:22:59
7	today's deposition?	10:23:02
8	A. No.	10:23:03
9	Q. Other than your attorney, did you	10:23:09
10	meet or speak with anyone else in preparation	10:23:12
11	for this deposition?	10:23:15
12	A. No, not at all.	10:23:16
13	Q. And you mentioned you reviewed	10:23:19
14	some materials to prepare for the deposition; is	10:23:22
15	that correct?	10:23:25
16	A. I'm sorry, I lost one word. Can	10:23:26
17	you say that again.	10:23:28
18	Q. Did you review any materials to	10:23:29
19	prepare for the deposition?	10:23:32
20	MR. MARGOLIS: Objection.	10:23:34
21	A. Yes, some --	10:23:35
22	MR. MARGOLIS: You can answer.	10:23:37
23	A. Yes, some emails and, you know,	10:23:40
24	the transcript of the testimony for Nigel's EBT.	10:23:45
25	Q. Do you recall what the emails were	10:23:54

Transcript of F. Michael Conte
January 4, 2023

16

1	regarding?	10:23:55
2	A. They were the emails I think that	10:23:58
3	I talked about where they were trying to set up	10:24:01
4	the appointment for the CCMS meeting.	10:24:04
5	Q. And do you know if those documents	10:24:08
6	were produced in this action?	10:24:10
7	A. I presented them to my attorney.	10:24:14
8	Q. Understood, thank you.	10:24:17
9	Do you have any materials in front	10:24:20
10	of you right now?	10:24:22
11	A. I've got a pen and the log-in	10:24:23
12	notes for the Zoom meeting.	10:24:28
13	Q. And is there anyone else in the	10:24:30
14	room with you for your virtual deposition?	10:24:31
15	A. Nope.	10:24:38
16	Q. Mr. Conte, have you ever met or	10:24:39
17	spoken with counsel for defendant Marc Paturet?	10:24:41
18	A. No.	10:24:47
19	Q. Did you speak with any of the	10:24:50
20	other defendants about today's deposition, the	10:24:52
21	individual defendants?	10:24:54
22	A. No, not at all. I purposely	10:24:57
23	avoided that, because I knew it would be a	10:25:01
24	question.	10:25:03
25	Q. Did you speak with Peter Lehr or	10:25:06

Transcript of F. Michael Conte

January 4, 2023

17

1	anyone from Kaled Management about today's	10:25:09
2	deposition?	10:25:14
3	A. No.	10:25:14
4	Q. And did you speak with Nigel	10:25:15
5	Shamash or Saul Tawil about today's deposition?	10:25:17
6	A. No.	10:25:26
7	Q. Thank you.	10:25:27
8	Mr. Conte, I'm going to ask you	10:25:27
9	just some questions about your personal	10:25:29
10	background. Could you please describe your race	10:25:31
11	and ethnicity for the record.	10:25:35
12	A. Well, I was born in America of	10:25:40
13	Italian descent. Some people say I'm green.	10:25:42
14	Maybe I'm Caucasian, I don't know.	10:25:48
15	Q. Thank you. Can you just briefly	10:25:53
16	describe your educational history?	10:25:55
17	A. Bachelor of Science and a degree	10:25:57
18	in insurance, CPIA.	10:26:00
19	Q. And what's your current	10:26:04
20	occupation?	10:26:06
21	A. I'm an insurance broker.	10:26:07
22	Q. And where do you work?	10:26:10
23	A. Honig Conte Porrino.	10:26:18
24	Q. And do you own this business or	10:26:19
25	are you a partner in the business?	10:26:21

Transcript of F. Michael Conte
January 4, 2023

18

1	A.	I'm a partner in the business.	10:26:24
2	Q.	And what kind of services does	10:26:26
3		Honig Conte and Porrino provide?	10:26:30
4	A.	We are a full service insurance	10:26:32
5		brokerage firm. We deal in homeowners, auto,	10:26:34
6		business insurance. You name it, we insure it.	10:26:40
7	Q.	And how long have you been a	10:26:43
8		partner of Honig Conte and Porrino?	10:26:44
9	A.	Since 2006.	10:26:51
10	Q.	And where did you work before	10:26:53
11		Honig Conte and Porrino?	10:26:56
12	A.	My firm was Conte Porrino and we	10:26:59
13		merged with Honig in 2006. Prior to that I had	10:27:03
14		my own firm.	10:27:08
15	Q.	How long did you have your own	10:27:09
16		firm, Conte and Porrino?	10:27:11
17	A.	'92, since 1992. It was also a	10:27:15
18		family business and I took ownership in 1992.	10:27:22
19	Q.	Thank you.	10:27:26
20		Where are the offices for Honig	10:27:28
21		Conte and Porrino located?	10:27:31
22	A.	129 West 27th, New York, New York.	10:27:33
23	Q.	Does Honig Conte Porrino occupy a	10:27:39
24		specific floor of that building?	10:27:43
25	A.	Yes, the sixth floor.	10:27:46

Transcript of F. Michael Conte

January 4, 2023

19

1	Q.	And how long has Honig Conte	10:27:48
2		Porrino occupied the sixth floor of 129 West	10:27:50
3		27th Street?	10:27:56
4	A.	2006.	10:27:56
5	Q.	And 129 West 27th Street, which I	10:27:59
6		may refer to as "the premises" going forward, is	10:28:04
7		that the same building which is the subject of	10:28:07
8		this action?	10:28:10
9	A.	I believe it is, yes.	10:28:13
10	Q.	Could you just generally describe	10:28:15
11		the building for me at 129 West 27th Street?	10:28:18
12		MR. MARGOLIS: Objection. Go	10:28:23
13		ahead.	10:28:24
14	A.	12-story brick building.	10:28:28
15	Q.	Do you know the general size of	10:28:31
16		each floor?	10:28:34
17	A.	No. I'm going to say 5,000 square	10:28:40
18		feet.	10:28:46
19	Q.	But that would just be a guess?	10:28:46
20	A.	Yeah. I can never figure out how	10:28:50
21		they measure it. Everybody has a different	10:28:52
22		number. Some people measure it from outside the	10:28:54
23		brick; some people measure it from inside the	10:28:56
24		brick. I don't know.	10:28:59
25	Q.	Understood.	10:29:02

Transcript of F. Michael Conte

January 4, 2023

20

1	How often do you go to the	10:29:05
2	building at 129 West 27th Street?	10:29:07
3	A. I'm here every day.	10:29:12
4	Q. Even on weekends?	10:29:14
5	A. Lately not, but there have been	10:29:18
6	times when I'm here on the weekends.	10:29:20
7	Q. When you visit the building, how	10:29:23
8	long do you stay?	10:29:26
9	A. Typically I come in at 7 and I	10:29:28
10	rarely get out of here before 5:30.	10:29:30
11	Q. And thinking about the COVID-19	10:29:34
12	pandemic, which started in March 2020, did that	10:29:39
13	change how often you went to the building?	10:29:45
14	A. No. I went in every day except	10:29:49
15	for when I had foot surgery. Then I didn't go	10:29:52
16	in. I couldn't walk.	10:29:55
17	Q. As of today, while we're here at	10:30:01
18	this deposition, besides the sixth floor, can	10:30:04
19	you identify the individuals or entities that	10:30:08
20	own the remaining floors?	10:30:12
21	A. The individuals or entities, okay.	10:30:18
22	Joey Grillo has the 12th floor.	10:30:22
23	Joey Grill I should say, the 12th floor. Touton	10:30:29
24	has 11, 10 and 9. Shamash has 8 and 7. We have	10:30:35
25	6. 5 and 4 is the architects. 3 is Hand Held	10:30:43

Transcript of F. Michael Conte
January 4, 2023

21

1	Films. 2 is an artist; I don't know his name.	10:30:51
2	And 1 is Hand Held Films.	10:30:55
3	Q. Thank you. So as of today how	10:31:00
4	many floors in the building are occupied?	10:31:03
5	MR. MARGOLIS: Objection.	10:31:10
6	A. As far as I know, the only two	10:31:13
7	floors that are not occupied are -- well,	10:31:17
8	actually, I don't know. 7 and 8 are empty. I	10:31:20
9	don't know if 2 is empty. Because the guy died,	10:31:25
10	so I don't know what's going on there.	10:31:29
11	Q. Understood.	10:31:32
12	Do you know the name of the artist	10:31:33
13	that owns the second floor?	10:31:35
14	A. Starts with a B. I don't know it.	10:31:38
15	Q. And the building is organized as a	10:31:43
16	co-op, correct?	10:31:48
17	A. Yes. Commercial co-op.	10:31:49
18	Q. And what's your role in connection	10:31:51
19	with the commercial co-op, as of today?	10:31:54
20	A. I'm a board member. I'm a board	10:31:58
21	member and a treasurer. That's my position on	10:32:01
22	the board.	10:32:03
23	Q. And how long have you been a board	10:32:04
24	member?	10:32:12
25	A. I'm going to say six years, seven	10:32:13

Transcript of F. Michael Conte

January 4, 2023

22

1	years. Not sure 100 percent.	10:32:16
2	Q. And do you know how many	10:32:23
3	shareholders there are of the co-op?	10:32:26
4	A. Actually, you know what, I left	10:32:34
5	one guy out. There's a guy that owns a piece of	10:32:36
6	the freight area. I forget his name. I think	10:32:39
7	his name is Saul, I'm not sure.	10:32:45
8	So, to answer your question,	10:32:49
9	including that guy, I think you have six owners	10:32:51
10	in the building, because people own multiple	10:33:14
11	floors, except for us. We only own this floor.	10:33:17
12	Q. Thank you.	10:33:21
13	Do you know how many shares there	10:33:22
14	are per floor?	10:33:25
15	A. I don't know.	10:33:29
16	Q. And do you know the total number	10:33:30
17	of shares with the co-op?	10:33:31
18	A. I don't know.	10:33:35
19	Q. How does the co-op operate?	10:33:37
20	MR. MARGOLIS: Objection.	10:33:40
21	A. I don't understand your question.	10:33:44
22	Q. Who makes decisions for the co-op?	10:33:46
23	MR. MARGOLIS: Objection.	10:33:49
24	A. What kind of decisions?	10:33:54
25	Q. Any kind of decision.	10:33:57

Transcript of F. Michael Conte
January 4, 2023

23

1	MR. MARGOLIS: Objection.	10:33:59
2	A. Well, we have a managing agent,	10:34:02
3	Kaled. They handle for the most part the	10:34:05
4	day-to-day stuff, like if something breaks.	10:34:07
5	That's how we run the building.	10:34:14
6	Q. Do shareholders make any decisions	10:34:16
7	with regard to the co-op?	10:34:19
8	MR. MARGOLIS: Objection.	10:34:20
9	A. Well, we're all shareholders.	10:34:25
10	Q. Do board members make any	10:34:30
11	decisions with regard to the co-op?	10:34:33
12	A. On matters that the board needs to	10:34:35
13	make decisions on, yes.	10:34:40
14	Q. What are some examples of	10:34:41
15	decisions that require board member input?	10:34:44
16	A. Well, we were having an intercom	10:34:51
17	system put in, so the Board asked -- you know,	10:34:53
18	we convened and we organized getting some input	10:34:59
19	as to which systems may be, you know, viable.	10:35:03
20	So we kind of vet it out in the beginning, and	10:35:09
21	then we will call for a general meeting if	10:35:15
22	anybody wants to come and further discuss it.	10:35:19
23	Inevitably the people on the board	10:35:21
24	are typically the only people that show up to	10:35:25
25	the meetings, and we call a vote and we go from	10:35:28

Transcript of F. Michael Conte
January 4, 2023

24

1	there.	10:35:31
2	Q. So what's the difference between	10:35:31
3	shareholders and board members?	10:35:33
4	A. Well, I guess the difference is	10:35:39
5	that if you're not a board member, you can't	10:35:41
6	vote on things that would be required for a	10:35:44
7	board member to vote on.	10:35:47
8	Q. And how do you determine who's a	10:35:50
9	board member?	10:35:52
10	A. We hold our general meetings once	10:36:01
11	a year. We ask for nominees; and if people	10:36:02
12	volunteer, we have a verbal vote, and like that.	10:36:08
13	There's five of us and four positions, or six of	10:36:12
14	us and four positions; so, it's not really like,	10:36:14
15	you know, everybody is fighting to be on the	10:36:18
16	board.	10:36:23
17	Q. Are there any qualifications to be	10:36:23
18	a board member?	10:36:25
19	A. Any qualifications. I mean, I	10:36:30
20	can't say -- I never thought about it. No, I	10:36:36
21	guess if you're volunteering you seem like a,	10:36:39
22	you know, you seem reasonable, you're kind of	10:36:43
23	on. I've been trying to get more people	10:36:45
24	involved but, you know, when you think about	10:36:49
25	there's only six people now and you have five of	10:36:51

Transcript of F. Michael Conte
January 4, 2023

25

1	them involved, or four of them involved, that's	10:36:54
2	probably more than you're going to get.	10:36:59
3	Q. And as of today there are four	10:37:01
4	board members?	10:37:03
5	A. That's correct.	10:37:05
6	Q. And just to clarify, the board	10:37:07
7	members are elected annually?	10:37:09
8	A. Yes.	10:37:12
9	Q. And who are the current board	10:37:15
10	members, besides yourself?	10:37:17
11	A. Myself, Joe Grill, Marc Paturet	10:37:30
12	and Maxime Touton.	10:37:41
13	Q. How long have each of them --	10:37:48
14	A. Oh, I'm sorry. And Gary Stefani	10:37:49
15	(phonetic) came on. I forgot about him. He	10:37:53
16	came on when Eric Doctormann moved.	10:37:56
17	Q. And what floor does Gary Stefani	10:38:00
18	or his entity occupy?	10:38:05
19	A. He has 4, 5 and a portion of 6.	10:38:11
20	Q. Would Gary be in connection with	10:38:19
21	the architect firm you mentioned?	10:38:21
22	A. Yes.	10:38:23
23	Q. Thank you.	10:38:24
24	A. I think they're engineers.	10:38:25
25	Q. How long have each of those	10:38:32

Transcript of F. Michael Conte
January 4, 2023

26

1	individuals been board members?	10:38:34
2	A. I don't know. I could tell you	10:38:36
3	Gary, I don't know, three months. But outside	10:38:41
4	of that, I couldn't tell you.	10:38:46
5	Q. Is it Mr. Touton?	10:38:48
6	A. Yes.	10:38:53
7	Q. Has he been a board member as long	10:38:54
8	as you have?	10:38:57
9	A. I don't know.	10:38:58
10	Q. And what about Mr. Paturet; has he	10:38:59
11	been a board member as long as you?	10:39:03
12	A. He may have been a board member	10:39:07
13	before me.	10:39:08
14	Q. And what about Mr. Grill; has he	10:39:10
15	been a board member as long as you?	10:39:15
16	A. Joe has been a board member for a	10:39:17
17	while. I think he was one of the original	10:39:19
18	people in the building.	10:39:22
19	Q. Thank you. Do you know the race	10:39:32
20	or ethnicity of Mr. Grill?	10:39:34
21	A. No, I don't know his ethnicity at	10:39:39
22	all. Kind of a light-skinned guy. I don't know	10:39:42
23	what his race is, though.	10:39:48
24	Q. Do you know the race or ethnicity	10:39:51
25	of Mr. Paturet?	10:39:53

Transcript of F. Michael Conte

January 4, 2023

27

1	A.	He has a French accent. I'm going	10:40:00
2		to take a stab that he's French but, again, I	10:40:04
3		don't know his race.	10:40:09
4	Q.	And what about Mr. Touton; do you	10:40:10
5		know his race or ethnicity?	10:40:14
6	A.	Again, he has a French accent.	10:40:16
7		I'm pretty sure he mentioned that he goes to	10:40:19
8		France all the time, so I'll guess that he's	10:40:21
9		French as well. But, again, I never asked him	10:40:24
10		what his race is.	10:40:27
11	Q.	Understood.	10:40:28
12		And Mr. Stefani, do you know his	10:40:29
13		race or ethnicity?	10:40:34
14	A.	No clue.	10:40:35
15	Q.	So there are currently five board	10:40:41
16		members including yourself?	10:40:43
17	A.	Yes.	10:40:49
18	Q.	And are there typically five board	10:40:49
19		members, or does the number fluctuate?	10:40:52
20	A.	No, typically -- I mean, there was	10:40:58
21		a short time when we only had four because	10:41:01
22		Doctormann sold and we didn't have an	10:41:05
23		opportunity to get a new person on, but	10:41:08
24		generally we run with five.	10:41:10
25	Q.	And Mr. Doctormann, is that Eric	10:41:12

Transcript of F. Michael Conte

January 4, 2023

28

1	Doctormann?	10:41:15
2	A. That's correct.	10:41:17
3	Q. And did he occupy the 11th floor?	10:41:18
4	A. That's correct.	10:41:22
5	Q. Before he sold, do you know how	10:41:25
6	long he was a board member?	10:41:27
7	A. No.	10:41:32
8	Q. And when did he sell his space on	10:41:34
9	the 11th floor?	10:41:37
10	A. I think it was sometime last year.	10:41:42
11	Q. In 2022?	10:41:45
12	A. I believe that's correct.	10:41:51
13	Q. I had to clarify because we're in	10:41:54
14	2023.	10:41:57
15	And you mentioned that	10:42:00
16	Mr. Touton's company was occupying the 11th	10:42:04
17	floor. Did his company purchase the 11th floor?	10:42:07
18	MR. MARGOLIS: Objection. Just	10:42:12
19	for the record, to be clear, you asked him about	10:42:13
20	Doctormann and the 11th floor. Now you're	10:42:16
21	speaking about Touton and the 11th floor.	10:42:20
22	MS. TURNER: Yes.	10:42:25
23	A. Could you repeat the question?	10:42:27
24	Q. I'm sorry. Is someone else	10:42:29
25	occupying the 11th floor as of today?	10:42:31

Transcript of F. Michael Conte

January 4, 2023

29

1	A.	Mr. Touton bought the 11th floor	10:42:35
2		from Doctormann.	10:42:38
3	Q.	Understood. And is there anything	10:42:39
4		special about the ninth and tenth floor? Are	10:42:43
5		they connected in any way?	10:42:48
6		MR. MARGOLIS: Objection.	10:42:51
7	A.	There's a staircase there -- I'm	10:42:52
8		sorry.	10:42:55
9		MR. MARGOLIS: It's okay.	10:42:57
10	A.	There's a staircase, but I don't	10:42:59
11		know that that's special.	10:43:02
12	Q.	Did Mr. Touton's company add a	10:43:03
13		staircase between the 10th and 11th floor?	10:43:05
14	A.	They're actually in the process of	10:43:09
15		doing that now.	10:43:11
16	Q.	Are they renovating the 11th	10:43:13
17		floor?	10:43:16
18	A.	I know that they're working up	10:43:24
19		there. I'm not privy to the details of what	10:43:26
20		they're doing in their space, but I know they're	10:43:28
21		working up there. That's all I know.	10:43:31
22	Q.	Do you know why Mr. Touton's	10:43:33
23		company purchased the 11th floor?	10:43:35
24		MR. MARGOLIS: Objection.	10:43:37
25	A.	I'm sorry? What was that?	10:43:40

Transcript of F. Michael Conte

January 4, 2023

30

1	Q.	Do you know why Mr. Touton's	10:43:43
2		company purchased the 11th floor?	10:43:45
3		MR. MARGOLIS: Objection.	10:43:48
4	A.	He wanted it.	10:43:50
5	Q.	Did he need more space?	10:43:51
6		MR. MARGOLIS: Objection.	10:43:54
7	A.	I have no idea.	10:43:55
8	Q.	As of today, who is the board	10:44:04
9		president?	10:44:07
10	A.	Marc Paturet.	10:44:10
11	Q.	And how long has Mr. Paturet been	10:44:14
12		the board president, if you know?	10:44:16
13	A.	I believe it's five or six years.	10:44:24
14	Q.	And, Mr. Conte, have you ever been	10:44:30
15		board president?	10:44:33
16	A.	No.	10:44:34
17	Q.	Earlier you mentioned I believe it	10:44:43
18		was Kaled or Kaleed Management in connection	10:44:46
19		with the building. How long has Kaled managed	10:44:52
20		the building?	10:44:56
21	A.	Again, I'm thinking about six	10:45:00
22		years.	10:45:02
23	Q.	I'm going to circle back. We	10:45:13
24		talked a little bit about decisions or actions	10:45:15
25		that require board approval. Are there any	10:45:18

Transcript of F. Michael Conte

January 4, 2023

31

1	decisions or actions with respect to the	10:45:23
2	building that can be authorized by shareholders	10:45:25
3	instead of board members?	10:45:29
4	A. I don't understand your question.	10:45:38
5	Q. So, are there some types of	10:45:45
6	actions related to the co-op that require board	10:45:48
7	approval?	10:45:51
8	A. Are there some types of actions?	10:45:53
9	Yes.	10:45:59
10	Q. Are there other types of actions	10:45:59
11	or decisions that can be approved simply by	10:46:03
12	shareholders?	10:46:06
13	A. That relate to running the	10:46:14
14	building?	10:46:16
15	Q. Yes.	10:46:18
16	A. No.	10:46:19
17	Q. So generally all the actions or	10:46:20
18	decisions with respect to the co-op require	10:46:22
19	board approval?	10:46:24
20	MR. CASE: That misstates the	10:46:29
21	testimony.	10:46:33
22	THE WITNESS: I'm sorry, I didn't	10:46:34
23	hear that.	10:46:35
24	MR. CASE: I'm objecting. I think	10:46:36
25	it mischaracterizes his prior testimony.	10:46:38

Transcript of F. Michael Conte

January 4, 2023

32

1 A. So, for example, I think the
2 people below me wanted to redo their bathrooms.
3 Well, you don't really need board approval for
4 that because it doesn't involve really the
5 board. We make sure that the contractors have
6 the proper insurance going in and the proper
7 agreements in place, but if he wants to redo his
8 bathrooms, he's certainly entitled to redo his
9 bathrooms.

10:46:44
10:46:49
10:46:52
10:46:55
10:46:57
10:47:00
10:47:04
10:47:09
10:47:12

10 So, decisions like that do not
11 involve the board in terms of approving or not
12 approving such an action. We are involved, I
13 guess, in making sure that the building gets the
14 proper certificates of insurance, et cetera and
15 so on.

10:47:14
10:47:16
10:47:19
10:47:22
10:47:27
10:47:30

16 So, I don't know if that answers
17 your question.

10:47:31
10:47:33

18 Q. That's helpful, thank you for the
19 example.

10:47:34
10:47:36

20 When a decision requires board
21 approval, how does that process work?

10:47:38
10:47:41

22 A. Well, typically it will come up
23 during the meeting and, you know, when we have a
24 meeting Peter will say this requires board
25 approval or this is just open for discussion

10:47:47
10:47:49
10:47:54
10:47:59

Transcript of F. Michael Conte
January 4, 2023

33

1 amongst the members. Because, like the intercom
2 thing, that really didn't require board
3 approval. We would have spearheaded perhaps on
4 vetting out a couple of vendors, but we're
5 reasonable people here. We'll have an open
6 discussion and we'll let anybody weigh in on a
7 topic like this.

10:48:02

10:48:06

10:48:09

10:48:12

10:48:16

10:48:19

10:48:22

8 Q. And when you say Peter, are you
9 referring to Peter Lehr of Kaled Management?

10:48:23

10:48:26

10 A. That's correct, right. Yes, yes.

10:48:29

11 Q. And for decisions that require
12 board approval, is there a -- do you take votes
13 on whether to approve something?

10:48:33

10:48:37

10:48:41

14 A. Yeah, absolutely.

10:48:45

15 Q. Are these formal yea/nays?

10:48:46

16 MR. MARGOLIS: Objection.

10:48:55

17 A. Are they formal yea/nays. I don't
18 know what you mean by formal yea/nays. Do we
19 raise our hand and record that?

10:48:56

10:49:00

10:49:05

20 Q. Yes.

10:49:07

21 A. We don't say all those in favor
22 say yea or nay. We ask people to raise their
23 hand.

10:49:08

10:49:10

10:49:13

24 Q. Understood.

10:49:14

25 Are a certain number of votes

10:49:15

Transcript of F. Michael Conte
January 4, 2023

34

1	required for board approval?	10:49:19
2	A. Well, you have to have a majority,	10:49:24
3	I would imagine.	10:49:28
4	Q. And what would be a majority?	10:49:29
5	A. Well, if there's five members of	10:49:32
6	the board, I guess you would need three.	10:49:34
7	Q. And if there are four members?	10:49:39
8	A. Then you would probably need	10:49:42
9	three.	10:49:44
10	Q. And is there any type of quorum	10:49:45
11	required for votes?	10:49:49
12	A. Yeah, we make sure that we have	10:49:53
13	quorum to make sure that the meeting can	10:49:55
14	proceed.	10:49:58
15	Q. And what's the quorum required?	10:49:59
16	A. For a general meeting, those	10:50:05
17	numbers are becoming more difficult. As I said,	10:50:07
18	because there was a time when you had 12 owners	10:50:11
19	in the building. So if you had a quorum of 70	10:50:13
20	percent or 40 percent, you could make that. But	10:50:18
21	now when you have six owners, I mean, if two	10:50:20
22	people drop out, you really -- you're at less	10:50:23
23	than 40 percent if you count it by individuals.	10:50:27
24	I guess if you go by number of shares held you	10:50:31
25	would meet quorum.	10:50:34

Transcript of F. Michael Conte
January 4, 2023

35

1 Quite frankly, like if Marc and 10:50:37
2 Touton got together, they each own three floors, 10:50:39
3 you could probably say that they have quorum 10:50:43
4 with the shares that they own because they own 10:50:47
5 shares for three floors. 10:50:49

6 So, you know, in the Board of 10:50:55
7 Directors meeting we have to have at least three 10:50:59
8 officers there. The general meetings I think 10:51:03
9 they're more fluid because there are fewer 10:51:06
10 number of owners lately. 10:51:09

11 Q. Understood. 10:51:13

12 In the last six years as a board 10:51:16
13 member, has the process for board approval 10:51:19
14 changed at all? 10:51:24

15 A. No. 10:51:27

16 Q. They've always been the same? 10:51:29

17 A. Yeah, I would say. Except now 10:51:32
18 we're more organized since we have Kaled. 10:51:33

19 Q. And is board approval required to 10:51:40
20 sublease any of the floors of the building? 10:51:43

21 A. Absolutely. 10:51:47

22 Q. Do you know where it states that 10:51:50
23 it's required? 10:51:52

24 A. I'm pretty sure it's in the bylaws 10:51:55
25 and in the proprietary lease. 10:52:02

Transcript of F. Michael Conte

January 4, 2023

36

1	Q.	Can you walk me through the	10:52:06
2		process to approve or deny a sublease?	10:52:08
3	A.	Well, the applicant fills out an	10:52:12
4		application. He makes -- he lets the board know	10:52:14
5		that he's making application. Kaled does the	10:52:18
6		background check, presents the information to	10:52:21
7		the board, we set up a date and we have a	10:52:25
8		meeting.	10:52:27
9	Q.	So when does the board first get	10:52:29
10		involved in the process to approve a sublease?	10:52:31
11	A.	Whenever the application is	10:52:36
12		presented.	10:52:38
13	Q.	Is the board ever involved in the	10:52:39
14		sublease negotiation process?	10:52:43
15	A.	You know, we've only had one. So,	10:52:47
16		no.	10:52:53
17	Q.	You've only had one application	10:52:53
18		for a sublease in the past six years?	10:52:55
19	A.	Right. Yeah.	10:52:58
20	Q.	Do you know how many applicants	10:53:09
21		for sublease the building has had in the last 20	10:53:16
22		years?	10:53:20
23	A.	No clue.	10:53:21
24	Q.	Do you know if the board ever gets	10:53:25
25		questions from applicants about subleasing?	10:53:28

Transcript of F. Michael Conte

January 4, 2023

37

1	A.	Does the board get questions from	10:53:38
2		the applicant?	10:53:40
3	Q.	Correct.	10:53:43
4	A.	No, no. I don't know how they	10:53:44
5		would know who the board is. Any questions they	10:53:47
6		have they would ask to whoever they're renting	10:53:49
7		the floor from.	10:53:54
8	Q.	And again, what is Kaled's role in	10:53:55
9		the sublease approval process?	10:54:00
10	A.	They coordinate the paperwork.	10:54:05
11	Q.	Do they make a recommendation	10:54:10
12		whether to approve or deny an applicant?	10:54:13
13	A.	No, absolutely not.	10:54:17
14	Q.	And do you know what's required in	10:54:20
15		the application?	10:54:24
16	A.	I guess we ask for a description	10:54:28
17		of the business; we ask for the principal's	10:54:30
18		names; we ask for some background history. You	10:54:34
19		know, just various co-op application stuff.	10:54:37
20		Credit references, bank references. You know,	10:54:44
21		with the internet today you just go on the	10:54:47
22		internet and you can find out a lot more than an	10:54:51
23		application will tell you.	10:54:54
24	Q.	Do board members typically look up	10:54:55
25		applicants on the internet?	10:54:58

Transcript of F. Michael Conte
January 4, 2023

38

1	A.	I don't know.	10:55:01
2	Q.	What's the purpose of the	10:55:04
3		interview with the board?	10:55:09
4	A.	To try to get to the -- you know,	10:55:13
5		to try to understand what the person does, what	10:55:16
6		their business is like, if they'll fit in with	10:55:18
7		the ongoing businesses that are here.	10:55:22
8	Q.	And how long is that interview	10:55:26
9		typically?	10:55:29
10	A.	Well, again, we only had one. I	10:55:30
11		think the last one was about 45 minutes to an	10:55:32
12		hour.	10:55:35
13	Q.	Is an interview required for a	10:55:36
14		sublease approval?	10:55:40
15	A.	Yes.	10:55:41
16	Q.	Can approval ever be given in	10:55:43
17		writing without an interview?	10:55:45
18	A.	Not that I'm aware of.	10:55:48
19	Q.	Is an in-person interview required	10:55:53
20		for sublease approval?	10:55:58
21	A.	You know, I think we would be	10:56:02
22		flexible to take a phone call if the person	10:56:04
23		couldn't come in. I don't know that we would --	10:56:07
24		again, we only had one of these. So if you said	10:56:09
25		to me could we do a Zoom, yeah, that would	10:56:12

Transcript of F. Michael Conte

January 4, 2023

39

1 probably be the best thing because then -- you 10:56:15
2 know, or could we do a phone call, I would be 10:56:17
3 open to everything. I don't know that we have a 10:56:21
4 rule that says it must be an in-person meeting. 10:56:22

5 Q. Who typically attends the 10:56:26
6 interview for sublease approval? 10:56:30

7 A. Well, I guess the applicant and I 10:56:35
8 guess the members of the board. Again, I want 10:56:39
9 to just reiterate, I've only done this once. 10:56:42
10 So, typically, that's who was there. 10:56:46

11 Q. Do you know if shareholders can 10:56:49
12 attend the interview? 10:56:51

13 A. I don't believe that we would 10:56:55
14 close the door to them. So, yeah, I would say 10:56:56
15 sure, why not. It's a very small building in 10:57:00
16 terms of who's an owner here and we're all 10:57:04
17 pragmatic business people. We're here to, you 10:57:07
18 know, we all have to live here every day. 10:57:11

19 Q. Does the shareholder that's 10:57:17
20 attempting to sublease their floor typically 10:57:20
21 attend the interview? 10:57:22

22 MR. MARGOLIS: Objection. 10:57:25

23 A. Again, I don't know why he 10:57:28
24 couldn't, he or she couldn't. 10:57:29

25 Q. After an applicant submits their 10:57:36

Transcript of F. Michael Conte

January 4, 2023

40

1	application, when does the interview take place?	10:57:40
2	A. Well, we have to coordinate	10:57:44
3	everybody's schedule. We try to get it done as	10:57:47
4	quickly as we can.	10:57:51
5	Q. There's no set time limit for the	10:57:52
6	interview?	10:57:55
7	A. I think we try to be fair to the	10:57:56
8	applicant and do like a 14-day thing, 14	10:57:59
9	business days, which I don't think that's	10:58:05
10	unrealistic because you've got to figure that	10:58:07
11	these negotiations have been going on for	10:58:09
12	months. And once the application is submitted,	10:58:12
13	that's when we would start the process. We	10:58:14
14	could even start a process before the deal is,	10:58:18
15	you know, 100 percent ironed out.	10:58:21
16	So, you know, I don't know that	10:58:27
17	the onus is really on the board to meet a	10:58:29
18	deadline. We try to be cooperative with	10:58:33
19	everybody, but you know you've got all these	10:58:37
20	people running different businesses, taking them	10:58:39
21	to different countries and to different places.	10:58:41
22	Q. Where does the interview with the	10:58:45
23	board typically take place?	10:58:47
24	MR. MARGOLIS: Objection.	10:58:50
25	A. Well, we'll do it wherever we	10:58:54

Transcript of F. Michael Conte
January 4, 2023

41

1	could find space.	10:58:56
2	Q. And who conducts the interview?	10:58:57
3	A. Well, it's kind of a roundtable	10:59:02
4	discussion. The applicant in the last -- again,	10:59:07
5	I've only done this once. The applicant	10:59:10
6	introduced himself and we asked him questions,	10:59:12
7	and one person lets the person ask a question	10:59:18
8	and somebody else has a different question.	10:59:22
9	It's more like a conversation than an interview,	10:59:24
10	I would say, but I guess it is an interview.	10:59:27
11	Q. And is there a certain number of	10:59:31
12	board members required to attend the interview?	10:59:33
13	A. Well, in this particular case we	10:59:38
14	had four board members there. So, out of five,	10:59:41
15	I think that's pretty good.	10:59:45
16	Q. Is the board president required to	10:59:48
17	attend?	10:59:52
18	A. I don't think that we have such a	10:59:54
19	requirement. Marc wasn't there at the last	10:59:56
20	meeting. I think he was in Europe. But we	11:00:04
21	wouldn't hold up the interview because he	11:00:06
22	wouldn't be there.	11:00:09
23	Q. And how many board member votes	11:00:12
24	are required to approve a sublease?	11:00:16
25	MR. MARGOLIS: Objection.	11:00:20

Transcript of F. Michael Conte
January 4, 2023

42

1	A.	I'm going to say a majority.	11:00:22
2	Q.	And would shareholders that	11:00:26
3		attended the meeting, would they vote on the	11:00:29
4		sublease approval?	11:00:33
5	A.	It's interesting that you bring	11:00:36
6		that up because they don't have a vote. But I	11:00:38
7		thought it was very bizarre when, after the	11:00:40
8		interview, we called for a vote and Shamash	11:00:43
9		voted against his own applicant. I didn't even	11:00:45
10		understand what that was about. He brought the	11:00:49
11		guy in and now he's voting against him.	11:00:51
12		So, did his vote count? No, it	11:00:54
13		didn't count per se, but it was unanimous, the	11:00:57
14		four board members voted against the applicant,	11:01:02
15		as well as Shamash, and the four of us are	11:01:04
16		sitting there with our eyes, we can't even	11:01:07
17		believe this. Why would you bring in a guy who	11:01:09
18		you're going to vote against? It makes no	11:01:12
19		sense.	11:01:15
20	Q.	How quickly after an interview do	11:01:17
21		board members take a vote on sublease approval?	11:01:21
22		MR. MARGOLIS: Objection to form.	11:01:27
23	A.	You're asking me if there's a time	11:01:33
24		frame?	11:01:36
25	Q.	Yes.	11:01:36

Transcript of F. Michael Conte

January 4, 2023

43

1	A.	As far as I know, there's no time	11:01:37
2		frame.	11:01:38
3	Q.	So there's no requirement to hold	11:01:39
4		a vote within a certain amount of hours or days	11:01:40
5		or weeks?	11:01:43
6	A.	If you're asking me that question,	11:01:46
7		no, there is no such requirement.	11:01:48
8	Q.	When board members are voting on	11:02:03
9		sublease approval, does that vote take place in	11:02:05
10		person?	11:02:08
11		MR. MARGOLIS: Objection.	11:02:08
12		MR. CASE: I join.	11:02:10
13	A.	In this particular case, it did	11:02:14
14		take -- again, we've only done -- I've only done	11:02:15
15		this once. So, we called for the vote. After	11:02:19
16		Mr. Brooks left, we discussed amongst ourselves	11:02:24
17		and then we called for the vote. Again, I'm so	11:02:27
18		astonished by it, I'm seeing Nigel voting	11:02:31
19		against the guy that he's proposing to take the	11:02:34
20		lease. It was nonsensical.	11:02:37
21	Q.	I understand, thank you. And	11:02:39
22		we'll discuss those specifics later on.	11:02:41
23		After the interview for sublease	11:02:55
24		approval, did the board members do anything else	11:02:58
25		besides vote?	11:03:00

Transcript of F. Michael Conte
January 4, 2023

44

1	A.	We go home.	11:03:05
2	Q.	Does the board prepare minutes or	11:03:07
3		notes of the interview?	11:03:10
4	A.	I prepared the minutes, I believe	11:03:13
5		the next morning when I got in. Usually Peter,	11:03:16
6		if Peter was at the meeting, he would take the	11:03:24
7		minutes. He wasn't there. You know, he was not	11:03:28
8		invited, I could say. He was not uninvited. He	11:03:30
9		chose not to be there I guess, whatever.	11:03:36
10	Q.	And you're referring to Peter Lehr	11:03:38
11		of Kaled?	11:03:40
12	A.	Yup.	11:03:42
13	Q.	And does Peter typically take	11:03:43
14		minutes or notes at general board meetings?	11:03:46
15	A.	Yes.	11:03:50
16	Q.	After board members vote to	11:03:58
17		approve or deny a sublease, who informs the	11:04:01
18		applicant of the decision?	11:04:07
19		MR. CASE: Objection.	11:04:10
20		MR. MARGOLIS: Objection.	11:04:11
21	A.	In this case I believe it was	11:04:14
22		Kaled. Well, actually, there was no reason to	11:04:15
23		inform him, because Nigel was sitting there. So	11:04:20
24		I guess Nigel. I mean, we told Kaled and I	11:04:24
25		guess Kaled has a formal thing where they would	11:04:27

Transcript of F. Michael Conte
January 4, 2023

45

1	do it. But Nigel, again, he voted against the	11:04:30
2	whole thing, so he knew the guy wasn't approved.	11:04:33
3	Q. Is there any requirement that the	11:04:36
4	board informs an applicant of the decision in	11:04:37
5	writing?	11:04:42
6	A. Absolutely. There must be. Or	11:04:43
7	verbal. You have to let them know somehow or we	11:04:46
8	would let -- I think we have an obligation to	11:04:49
9	let the owner of the floor know and then it's	11:04:54
10	his responsibility, because we don't deal with	11:04:56
11	that person directly. So we would let the owner	11:04:59
12	of the floor know what was going on and they	11:05:02
13	would then pass that information along, because	11:05:05
14	we don't have a relationship with the renter.	11:05:07
15	He's not our renter. He's not renting from us;	11:05:11
16	he's renting from that owner.	11:05:15
17	Q. And is there a process for an	11:05:18
18	applicant to appeal a decision, a denial of the	11:05:19
19	board?	11:05:27
20	A. Again, we've done this once. No,	11:05:29
21	I don't think we ever -- no, I don't know of any	11:05:32
22	process for an appeal.	11:05:35
23	Q. If an applicant had questions or	11:05:39
24	wanted to clarify things after their interview,	11:05:44
25	is there a process for an applicant to contact	11:05:48

Transcript of F. Michael Conte
January 4, 2023

46

1	the board?	11:05:51
2	A. Number one, I don't think -- I	11:05:54
3	don't believe that we have any obligation to	11:05:57
4	speak to that party directly. I don't think we	11:06:00
5	can. We speak to the owner of the floor. If	11:06:02
6	they have a question, it should go through the	11:06:05
7	owner of the floor, I would think. I don't	11:06:08
8	know.	11:06:10
9	Q. So does that applicant have any	11:06:11
10	way to contact the board members after an	11:06:14
11	interview?	11:06:17
12	MR. MARGOLIS: Objection.	11:06:18
13	A. No, not that I'm aware of.	11:06:24
14	Q. And just to confirm, besides the	11:06:31
15	interview that's the subject of this action, how	11:06:36
16	many other interviews of applicants have there	11:06:39
17	been at the premises?	11:06:45
18	MR. MARGOLIS: Objection.	11:06:46
19	MR. CASE: I'll join.	11:06:49
20	A. I've only known of one, this one.	11:06:53
21	Q. Do you know of any other sublease	11:07:10
22	applicants that were previously denied by the	11:07:13
23	board?	11:07:20
24	MR. CASE: Counsel, hasn't that	11:07:20
25	been asked and answered? I think he just told	11:07:22

Transcript of F. Michael Conte
January 4, 2023

47

1	you that.	11:07:25
2	MS. TURNER: I think I was asking	11:07:25
3	earlier if he was aware of any ones that had	11:07:26
4	been interviewed. Now I'm just asking if he was	11:07:29
5	aware of any that had been denied.	11:07:31
6	A. Again, I'll reiterate that I've	11:07:36
7	only been involved in this, and this is the only	11:07:38
8	one I know that was denied. I don't know of any	11:07:41
9	other applications that came before the board,	11:07:43
10	before me.	11:07:48
11	Q. Understood, thank you. I just	11:07:48
12	wanted to clarify.	11:07:50
13	We talked earlier about the	11:07:59
14	individuals and entities that currently occupy	11:08:02
15	or own each floor. I'm going to kind of walk	11:08:08
16	through each of them with some specific	11:08:12
17	questions.	11:08:16
18	What floors does Hand Held Films	11:08:21
19	or Marc Paturet own?	11:08:26
20	MR. MARGOLIS: Objection.	11:08:30
21	A. He's got the ground floor and the	11:08:32
22	third floor, and the basement.	11:08:36
23	Q. Have you ever visited the	11:08:40
24	basement, first floor or third floor?	11:08:44
25	A. What do you mean by visit?	11:08:48

Transcript of F. Michael Conte

January 4, 2023

48

1	Q.	Have you ever been in the first	11:08:50
2		floor, third floor or basement?	11:08:54
3	A.	Yeah, I was in the third floor	11:08:57
4		because there was a leak and we were trying to	11:09:01
5		find where it was coming from; and I was in the	11:09:05
6		basement because there was a leak and we were	11:09:07
7		trying to find where that was coming from; and I	11:09:09
8		was in the first floor because I dropped off	11:09:12
9		some papers that were mailed -- that was in my	11:09:14
10		mailbox that belonged to Marc.	11:09:16
11	Q.	So are you familiar generally with	11:09:18
12		the floors that Hand Held Films occupies?	11:09:21
13	A.	Oh, I know where they are but if	11:09:27
14		you're going to ask me where he keeps the nuts	11:09:28
15		and bolts, I couldn't tell you that.	11:09:31
16	Q.	Could you just describe -- we'll	11:09:36
17		start with the first floor. Could you describe	11:09:38
18		the first floor generally?	11:09:39
19	A.	Yeah. It's a retail spot. He's	11:09:42
20		got like three doors that exit on the street	11:09:45
21		where I guess his people come in and go. That's	11:09:48
22		the first floor. And he's got equipment in	11:09:52
23		there that I don't even know what it's for.	11:09:55
24		Most of it looks very dangerous.	11:09:58
25	Q.	Why does the equipment look very	11:10:00

Transcript of F. Michael Conte

January 4, 2023

49

1	dangerous?	11:10:03
2	A. Because it's big. And people are	11:10:04
3	always carrying stuff in and out, big boxes and	11:10:07
4	pipes and all kinds of stuff.	11:10:11
5	Q. Do you know how many people work	11:10:13
6	on the first floor?	11:10:15
7	A. No.	11:10:18
8	Q. Do you know how many visitors Hand	11:10:22
9	Held Films gets on the first floor?	11:10:28
10	A. No. But it wouldn't matter	11:10:29
11	because they enter and exit off the street; so,	11:10:30
12	what do I care.	11:10:36
13	Q. Do you know the operating hours	11:10:38
14	for Hand Held Films?	11:10:42
15	A. No.	11:10:44
16	Q. Do you see people coming and going	11:10:44
17	from the first floor?	11:10:46
18	A. Do I see people coming and going.	11:10:51
19	I don't know what you mean by that. Do I see	11:10:53
20	customers going in? Is that what you're asking	11:10:55
21	me?	11:10:59
22	Q. Yes.	11:10:59
23	A. I don't know who these people are	11:11:00
24	that are going in.	11:11:02
25	Q. Do you know if Hand Held Films	11:11:04

Transcript of F. Michael Conte

January 4, 2023

50

1	operates on the weekends?	11:11:08
2	A. I have no idea. I don't believe	11:11:11
3	they do. I don't know.	11:11:13
4	Q. Do you ever see delivery trucks	11:11:16
5	picking up or moving equipment near the first	11:11:20
6	floor?	11:11:25
7	A. Yes, there are trucks there.	11:11:26
8	Q. How often --	11:11:28
9	A. Some of them --	11:11:30
10	Q. Go ahead.	11:11:31
11	A. Well, the UPS guy is there every	11:11:32
12	day. Does that count? The FedEx guy. Are	11:11:36
13	those the trucks you're speaking of?	11:11:43
14	Q. Any type of truck.	11:11:45
15	A. There's trucks all day long. It's	11:11:47
16	a very busy street. We've got two wood floor	11:11:50
17	dealers, one on one side of the block, one on	11:11:54
18	the other side of the block. They're carrying	11:11:59
19	wood all over the place.	11:12:01
20	Q. Do you know if Hand Held Films	11:12:02
21	keeps any equipment in the basement?	11:12:05
22	A. Yeah, they keep stuff in the	11:12:07
23	basement.	11:12:09
24	Q. How do they bring the equipment up	11:12:10
25	to the first floor?	11:12:11

Transcript of F. Michael Conte
January 4, 2023

51

1	A.	He's got an internal elevator that	11:12:13
2		he hoists his stuff up in the internal elevator	11:12:16
3		and gets it to the retail level and they go out	11:12:21
4		his doors.	11:12:25
5	Q.	Do you know how many employees	11:12:26
6		Hand Held Films has?	11:12:28
7		MR. MARGOLIS: Objection.	11:12:30
8	A.	No.	11:12:31
9	Q.	Mr. Conte, have you ever visited	11:12:45
10		the second floor?	11:12:48
11	A.	No.	11:12:50
12	Q.	Have you ever visited the fourth	11:12:55
13		and fifth floors?	11:12:59
14	A.	Yes.	11:13:01
15	Q.	Could you just generally describe	11:13:05
16		the space on the fourth and fifth floors.	11:13:08
17	A.	They're offices.	11:13:14
18	Q.	Do you know how many internal	11:13:16
19		offices are on each floor?	11:13:18
20	A.	I don't.	11:13:22
21	Q.	Would you say there's more than	11:13:23
22		ten on each floor?	11:13:25
23	A.	I have no idea.	11:13:26
24	Q.	When was the last time you visited	11:13:28
25		the fourth or fifth floor?	11:13:30

Transcript of F. Michael Conte
January 4, 2023

52

1	A.	Probably during COVID. Again,	11:13:34
2		mail came to us that I brought to them.	11:13:36
3	Q.	Do you know how many people work	11:13:39
4		on --	11:13:42
5	A.	Actually, you know what, I've	11:13:42
6		never been on the fifth floor -- the fourth	11:13:44
7		floor. I've never been on the fourth; I've been	11:13:47
8		on the fifth floor, because I would drop the	11:13:51
9		mail at the fifth floor. That's where their	11:13:52
10		reception is.	11:13:55
11	Q.	Understood. If they have a	11:13:56
12		reception area, do they receive visitors on the	11:13:58
13		fifth floor?	11:14:02
14	A.	I don't know what they do.	11:14:04
15	Q.	Do you know how many employees are	11:14:06
16		located on the fifth floor?	11:14:08
17	A.	Nope.	11:14:10
18	Q.	Do you see people in the elevator	11:14:11
19		going to the fifth floor?	11:14:15
20	A.	When I get in at 7 in the morning	11:14:21
21		usually there's one or two in the elevator with	11:14:24
22		me. That's about it.	11:14:28
23	Q.	And how many elevators are there	11:14:30
24		in the building?	11:14:34
25	A.	Two passenger elevators and one	11:14:36

Transcript of F. Michael Conte

January 4, 2023

53

1 freight elevator and, I guess, a combination
2 passenger/freight elevator. It's not really for
3 passengers, but it's more -- like instead of me
4 having to go down with the garbage and call and
5 wait for Anthony, I'll just get in the other
6 freight elevator and bring the garbage down.

7 Q. What elevator do you normally use
8 to get to your office?

9 A. When I come up, I come up the
10 front elevator, the passenger elevator.

11 Q. And when you see individuals going
12 to the fifth floor, are they also using the
13 passenger elevator?

14 A. I'm on the sixth floor, so I could
15 imagine the only way they use the fifth, fourth
16 and fifth floor, is by using the passenger
17 elevator. I don't think a lot of people are
18 walking up the stairs.

19 Q. Do you know the operating hours
20 for the engineering firm on the fourth and fifth
21 floor?

22 A. No.

23 Q. Do you ever see visitors or
24 employees going to the fourth or fifth floor on
25 the weekends?

11:14:40

11:14:47

11:14:52

11:14:55

11:14:58

11:15:01

11:15:04

11:15:06

11:15:08

11:15:10

11:15:14

11:15:16

11:15:19

11:15:23

11:15:26

11:15:30

11:15:32

11:15:35

11:15:37

11:15:40

11:15:44

11:15:45

11:15:46

11:15:49

11:15:52

Transcript of F. Michael Conte

January 4, 2023

54

1 A. You know, the weekends we're
2 unattended. We don't really have anybody here.
3 So, you might run into one of the owners just
4 trying to catch up with paperwork, like me, but
5 that's about it. I mean, you know, it's a
6 sleepy building. There's nothing going on here
7 on the weekend. The front door is locked. So
8 the only people that could get in would be, I
9 guess, an owner or someone who's authorized with
10 a key. The general employees can't get in.

11 So, have I ever seen them on a
12 Saturday? Honestly, I'm probably the only guy
13 that comes in on Saturday. Maybe once I saw
14 somebody on a Saturday. If I get off at the
15 sixth floor, the elevator probably doesn't even
16 move. It stays right at the sixth floor by the
17 time I'm ready to go home, whenever that might
18 be.

19 Q. And you mentioned on the weekends
20 the building's unattended I think was the word
21 you used.

22 A. Right.

23 Q. What do you mean by that?

24 A. Well, the super doesn't work on
25 Saturday. The only way you could get in the

Transcript of F. Michael Conte
January 4, 2023

55

1	elevator is if you have a key. Elevator is	11:17:06
2	locked, so without a key you can't even run the	11:17:10
3	elevator.	11:17:13
4	Q. And are the elevators unlocked	11:17:13
5	during the week, during business hours?	11:17:15
6	A. Are the elevators -- yeah,	11:17:20
7	generally each floor will unlock their floor.	11:17:22
8	When I come in on Saturday, I lock	11:17:26
9	my floor anyway. I come up, I lock the floor	11:17:28
10	anyway, because I don't want any surprises.	11:17:31
11	Q. Let's talk about your floor, the	11:17:38
12	sixth floor. Can you generally describe the	11:17:40
13	layout of the floor?	11:17:46
14	A. Yeah, we have an open area where	11:17:48
15	the majority of employees sit. We have a	11:17:51
16	conference room. We have four offices on one	11:17:54
17	side. We have a broadcast room on the other	11:18:01
18	side and a junk room on the other side, and a	11:18:07
19	kitchen and bathroom.	11:18:12
20	Q. How many employees work on the	11:18:14
21	sixth floor daily?	11:18:16
22	A. That's an old joke because, if you	11:18:19
23	ask me, nobody works. But I have	11:18:21
24	approximately -- you know, since COVID it's kind	11:18:27
25	of hard to keep track. Let's say, like today I	11:18:31

Transcript of F. Michael Conte

January 4, 2023

56

1	have one, two, three, four, five, six -- today I	11:18:37
2	have eight people here.	11:18:44
3	Q. Do you get visitors to the sixth	11:18:45
4	floor for your business?	11:18:48
5	A. I would say that if we see one	11:18:53
6	person a week, that's a lot.	11:18:56
7	Q. And do --	11:19:00
8	A. Unless you're going to count like	11:19:03
9	a food delivery guy.	11:19:05
10	Q. Do your visitors and employees use	11:19:08
11	the passenger elevator to get to the sixth	11:19:11
12	floor?	11:19:14
13	A. Yeah, sometimes they do shoot down	11:19:15
14	the freight elevator, though, I will say that.	11:19:18
15	Q. And what are your -- what's the	11:19:22
16	business general operating hours?	11:19:24
17	A. Well, 8:30 to 4:30 is what we put	11:19:28
18	out. But usually I'm here -- like I said, I'm	11:19:34
19	usually in by 7 and I'm lucky if I'm out by	11:19:36
20	5:30.	11:19:42
21	Q. And 8:30 to 4:30 is Monday through	11:19:43
22	Friday, or weekends as well?	11:19:48
23	A. That's correct. No, closed on the	11:19:49
24	weekend.	11:19:52
25	Q. Has the number of visitors,	11:19:53

Transcript of F. Michael Conte

January 4, 2023

57

1	employees changed since the COVID-19 pandemic?	11:19:56
2	A. For who?	11:20:02
3	Q. For the sixth floor, your	11:20:03
4	business.	11:20:05
5	A. Well, before COVID, we had I guess	11:20:06
6	three more employees. Now they're working from	11:20:11
7	home. But the visitors, not really. We're not	11:20:14
8	a high-traffic insurance agency. I know that a	11:20:19
9	lot of people don't understand that, but our	11:20:24
10	clientele is a little bit different.	11:20:26
11	Q. For the seventh and eighth floors	11:20:34
12	which are owned by Oxford, those are unoccupied,	11:20:36
13	correct?	11:20:42
14	A. That's correct.	11:20:43
15	Q. Do you know if anyone works out of	11:20:45
16	that space, the seventh and eighth floor?	11:20:51
17	A. When?	11:20:55
18	Q. As of today.	11:20:56
19	A. I don't think they're occupied.	11:20:59
20	Q. Let me clarify.	11:21:02
21	Do you know if any employee of	11:21:03
22	Oxford, you know, occasionally works out of the	11:21:06
23	seventh or eighth floor?	11:21:09
24	A. I have no idea.	11:21:12
25	Q. Do you ever see visitors going to	11:21:16

Transcript of F. Michael Conte

January 4, 2023

58

1	the seventh or eighth floor?	11:21:20
2	A. No.	11:21:26
3	Q. In connection with the co-op,	11:21:32
4	who's typically the representative from Oxford?	11:21:36
5	MR. MARGOLIS: Objection.	11:21:43
6	A. Lately it's been -- I'm sorry.	11:21:44
7	MR. MARGOLIS: You can answer.	11:21:46
8	A. Lately it's been Nigel, but before	11:21:49
9	that it was Saul. I thought Saul was his father	11:21:52
10	but I guess Saul is not his father.	11:21:59
11	Q. Do you speak with Nigel or Saul on	11:22:03
12	a regular basis?	11:22:06
13	A. No.	11:22:08
14	Q. Do you know the last time you	11:22:09
15	spoke with either of them?	11:22:11
16	A. I can tell you that I spoke to	11:22:15
17	Nigel about eight years ago. I had a recurring	11:22:21
18	water leak that was coming into my space and I	11:22:29
19	repaired that ceiling like three or four times	11:22:32
20	and I asked Nigel to resolve the matter, and he	11:22:36
21	told me to go take a hike. That was why I	11:22:39
22	remember the conversation because I didn't think	11:22:42
23	that that was very neighborly.	11:22:45
24	Q. Let's talk about the ninth, tenth	11:22:49
25	and 11th floor. Are those owned by Monsieur	11:22:54

Transcript of F. Michael Conte

January 4, 2023

59

1	Touton Selection Limited?	11:23:01
2	A. Let's say this. I don't know if	11:23:03
3	they're the titled owner, but I would say that	11:23:06
4	Maxime or his uncle is the owner. How he holds	11:23:09
5	them, I couldn't tell you.	11:23:16
6	Q. Understood. But they occupy the	11:23:17
7	ninth, tenth and 11th floor now?	11:23:19
8	A. Well, yes. Soon to, I guess,	11:23:23
9	occupy the 11th floor.	11:23:27
10	Q. Do you know what kind of business	11:23:29
11	they have?	11:23:31
12	A. They're wine people.	11:23:33
13	Q. Have you ever visited the ninth or	11:23:36
14	tenth floor?	11:23:38
15	A. We've had an occasional meeting up	11:23:40
16	there, yes.	11:23:44
17	Q. Could you describe the space on	11:23:44
18	the ninth and tenth floor?	11:23:46
19	A. The ninth floor you have a bunch	11:23:52
20	of desks with people. You have a stairway, a	11:23:55
21	giant conference room. And then on the tenth	11:23:58
22	floor there are some kind of printing apparatus	11:24:03
23	and one or two offices, I think, and some	11:24:09
24	employees. That's about it.	11:24:12
25	I mean, the staircase is enormous.	11:24:14

Transcript of F. Michael Conte
January 4, 2023

60

1	You've got to see this staircase. It's like a	11:24:19
2	bride's dream. Every bride would want to walk	11:24:22
3	down that staircase. I couldn't even imagine,	11:24:25
4	you know, as a real estate guy, like, I'm	11:24:28
5	looking at it and going, what a terrible waste	11:24:30
6	of space. But it's enormous.	11:24:33
7	Q. I think you mentioned they have	11:24:39
8	some offices. Do you know how many offices they	11:24:41
9	have on the ninth and tenth floors?	11:24:43
10	A. No, I don't. I never counted	11:24:47
11	them.	11:24:51
12	Q. Would you say it's more or less	11:24:52
13	than ten?	11:24:54
14	A. Never counted them.	11:24:56
15	Q. Do you know how long they've	11:24:58
16	occupied the ninth and tenth floor?	11:25:00
17	A. So, when I got here in '06, they	11:25:09
18	were only on the ninth floor. Then a couple	11:25:15
19	years later they bought the tenth floor. And	11:25:18
20	now recently they bought the 11th floor. But I	11:25:22
21	believe that Touton was one of the originals in	11:25:26
22	the building when it converted to co-op. I	11:25:30
23	believe; I'm not 100 percent sure.	11:25:33
24	Q. Do you know how many people, how	11:25:37
25	many employees work on the ninth, tenth and	11:25:40

Transcript of F. Michael Conte
January 4, 2023

61

1	soon-to-be 11th floor?	11:25:43
2	A. No clue.	11:25:47
3	Q. Do you know if people visit the	11:25:48
4	offices on the ninth, tenth and 11th floor?	11:25:49
5	A. Again, I have no idea. I never	11:25:54
6	run into them, so...	11:25:57
7	Q. You mentioned they're in the wine	11:26:01
8	business. Do they get visitors on the ninth and	11:26:03
9	tenth floor for wine tastings?	11:26:08
10	A. I don't have any idea.	11:26:13
11	Q. Have you ever gone up to taste any	11:26:16
12	wine?	11:26:19
13	A. No. I don't drink wine.	11:26:20
14	Q. Do you know the operating hours	11:26:23
15	for the business?	11:26:27
16	A. No clue, no.	11:26:29
17	Q. Do you know if Mr. Touton ever	11:26:42
18	hosts events on the ninth and tenth floor?	11:26:45
19	A. I have no idea.	11:26:50
20	Q. Okay. The last floor, the 12th	11:27:00
21	floor, what kind of business does Mr. Grill	11:27:02
22	have?	11:27:06
23	A. He runs Click Models; but what	11:27:10
24	that means, I don't know.	11:27:16
25	Q. Have you ever visited the 12th	11:27:17

Transcript of F. Michael Conte
January 4, 2023

62

1	floor?	11:27:20
2	A. Yes, I brought mail up there.	11:27:21
3	Q. Could you generally describe it?	11:27:25
4	A. Oh, and one time when we had a	11:27:27
5	break-in not too long ago, I was up there with	11:27:30
6	Joey trying to figure out how they got into the	11:27:33
7	space. But that's not really a visit.	11:27:37
8	Q. The 12th floor is considered the	11:27:43
9	penthouse of the building?	11:27:47
10	A. I mean, I've heard some people say	11:27:55
11	that but I call it 12. I don't know.	11:27:57
12	Q. Does it look any different than	11:27:59
13	the other floors?	11:28:01
14	A. Well, he's got skylights.	11:28:02
15	Q. Does he have high ceilings, large	11:28:04
16	windows?	11:28:07
17	A. We all have high ceilings and	11:28:08
18	large windows.	11:28:11
19	Q. Do you know if Click Models has	11:28:15
20	office space on the 12th floor?	11:28:21
21	A. I'm sorry, Click Models is on the	11:28:25
22	12th floor, so they would have office space	11:28:30
23	there.	11:28:32
24	Q. Do they have individual offices on	11:28:32
25	the 12th floor?	11:28:34

Transcript of F. Michael Conte
January 4, 2023

63

1	A.	I don't know the layout. I don't	11:28:36
2		know how they sit.	11:28:39
3	Q.	Okay. How long has Click Models	11:28:40
4		occupied that space?	11:28:42
5	A.	I know -- I think Joey was one of	11:28:46
6		the originals in the building. I don't know the	11:28:47
7		number; I don't know how long that is.	11:28:50
8	Q.	Do you know if Click Models hosts	11:28:53
9		photo shoots or anything like that on the 12th	11:28:55
10		floor?	11:28:59
11	A.	I don't know.	11:29:01
12	Q.	Do you ever see visitors going up	11:29:03
13		to the 12th floor?	11:29:06
14	A.	You might see a model	11:29:10
15		occasionally. That's about it.	11:29:13
16	Q.	Do you see one a day, one a week?	11:29:16
17	A.	No. No, no, no. Like one a	11:29:20
18		month. Like April maybe you see one or two	11:29:25
19		during the month.	11:29:28
20	Q.	Do you know the operating hours	11:29:29
21		for Click Models?	11:29:31
22	A.	No.	11:29:32
23		The reason I don't know the	11:29:42
24		operating hours for any of these people is	11:29:42
25		because it's never become an issue.	11:29:45

Transcript of F. Michael Conte
January 4, 2023

64

1	Q.	I understand.	11:29:49
2	MS. TURNER:	I'm going to shift	11:29:51
3		gears now and talk more specifically about this	11:29:52
4		case; so I don't know if this is a good five- or	11:29:56
5		ten-minute break time for anyone, or if you want	11:30:01
6		to continue, Mr. Conte, I'm happy to continue.	11:30:03
7	MR. MARGOLIS:	I think we should	11:30:06
8		take -- let's take five minutes, if you don't	11:30:08
9		mind, just a quick break for everybody and then	11:30:11
10		we'll be back at 11:35.	11:30:15
11	THE VIDEOGRAPHER:	We're going off	11:30:20
12		the record; the time is 11:30.	11:30:21
13		(Recess taken.)	11:30:23
14	THE VIDEOGRAPHER:	We're back on	11:38:46
15		the record; the time is 11:38.	11:38:58
16	BY MS. TURNER:		11:39:10
17	Q.	Mr. Conte, before the break I said	11:39:10
18		that we were going to discuss this action.	11:39:13
19		What's your understanding of the nature of the	11:39:18
20		lawsuit against the co-op and board members?	11:39:21
21	MR. MARGOLIS:	Objection. You can	11:39:25
22		answer.	11:39:28
23	A.	Well, I think we're being sued	11:39:30
24		because the allegation is that we are	11:39:32
25		discriminatory.	11:39:36

Transcript of F. Michael Conte

January 4, 2023

65

1	Q.	And discriminatory in connection	11:39:40
2		with the sublease denial for CCMS?	11:39:42
3	A.	Yes.	11:39:49
4	Q.	And what floor was CCMS attempting	11:39:53
5		to sublease?	11:39:57
6	A.	I'm honestly not sure if it was 7	11:40:02
7		or 8.	11:40:07
8	Q.	But it was one of the floors owned	11:40:07
9		by Oxford?	11:40:09
10	A.	Yes.	11:40:11
11	Q.	Do you know when Oxford took over	11:40:14
12		the seventh and eighth floor?	11:40:16
13		MR. MARGOLIS: Objection.	11:40:24
14	A.	No.	11:40:25
15	Q.	Do you know how long Oxford's	11:40:27
16		lease is for the seventh and eighth floor?	11:40:31
17	A.	Well, they're owners, so we all	11:40:36
18		carry the same lease. I believe it's 50 years.	11:40:38
19	Q.	You mentioned that the eighth	11:40:44
20		floor is currently unoccupied. Has there been a	11:40:46
21		tenant in the eighth floor before?	11:40:53
22	A.	Yeah. Yes, there was a tenant in	11:40:59
23		there I guess at one point.	11:41:03
24	Q.	Do you know when the last tenant	11:41:05
25		was that occupied the eighth floor?	11:41:07

Transcript of F. Michael Conte
January 4, 2023

66

1	A.	You know, COVID is like a divot in	11:41:11
2		everybody's mind, quite frankly, so I couldn't	11:41:16
3		tell you. No, I couldn't tell you.	11:41:20
4	Q.	Do you know if it was sometime in	11:41:23
5		the six years that you've been a board member	11:41:24
6		for the co-op?	11:41:28
7	A.	Yeah, I would say that.	11:41:31
8	Q.	Do you remember the name of the	11:41:34
9		tenant?	11:41:38
10	A.	No.	11:41:43
11	Q.	Do you recall what type of	11:41:44
12		business the tenant had?	11:41:47
13	A.	No.	11:41:51
14	Q.	Did you ever see visitors or	11:41:54
15		employees using the elevator to go to the eighth	11:42:00
16		floor for that tenant?	11:42:05
17	A.	You know, if you get on an	11:42:08
18		elevator, you really don't ask people what floor	11:42:12
19		are they coming from. I don't do that. I just	11:42:15
20		get on the elevator and go about my business; so	11:42:20
21		I don't know who's coming and going.	11:42:23
22	Q.	Okay. Have you ever visited the	11:42:27
23		eighth floor?	11:42:31
24	A.	No.	11:42:32
25	Q.	Have you ever visited the seventh	11:42:34

Transcript of F. Michael Conte
January 4, 2023

67

1	floor?	11:42:37
2	A. No. I think one time I was maybe	11:42:38
3	going upstairs to 12 and the doors opened and I	11:42:43
4	looked in. That's about it. It was all dark.	11:42:49
5	Q. Do you have any sense of the	11:42:52
6	layout of the seventh or eighth floor?	11:42:53
7	A. You know what, let me go back. We	11:42:59
8	had a leak. We had a leak that was coming	11:43:02
9	from -- well, we thought it was the seventh and	11:43:08
10	eighth floor, but actually we traced it up to	11:43:10
11	the ninth floor. So I was in there briefly --	11:43:13
12	this is years ago, though, my God. I remember	11:43:16
13	that there was desks and chairs there, that's	11:43:21
14	about it. It smelled of mold. I remember that,	11:43:24
15	too.	11:43:29
16	Q. There were individual offices on	11:43:29
17	the seventh and eighth floor?	11:43:32
18	A. I couldn't tell you. Couldn't	11:43:34
19	tell you that.	11:43:35
20	Q. Do you know when CCMS applied to	11:43:41
21	sublease the eighth floor?	11:43:43
22	A. I recall when we got the	11:43:48
23	application, if that's what you're asking me.	11:43:49
24	Q. Yes.	11:43:52
25	A. I remember getting the	11:43:58

Transcript of F. Michael Conte
January 4, 2023

68

1	application.	11:43:59
2	Q. When did you receive the	11:44:00
3	application from CCMS to sublease the eighth	11:44:02
4	floor?	11:44:05
5	A. I'm going to say it was December	11:44:07
6	26th of, oh God, at this point I'm not sure if	11:44:08
7	it was '18 or '19, I'll be honest with you.	11:44:21
8	Q. Was it sometime right before the	11:44:25
9	COVID-19 pandemic?	11:44:27
10	A. It was before the COVID pandemic,	11:44:29
11	sure. Maybe it was December '18.	11:44:35
12	Q. At the time that CCMS applied to	11:44:43
13	sublease the eighth floor, how many floors were	11:44:45
14	occupied in the building?	11:44:48
15	A. Don't recall.	11:44:55
16	Q. Do you know who occupied the first	11:44:58
17	floor when CCMS applied to sublease?	11:45:00
18	A. It was Marc.	11:45:05
19	Q. And at that time you occupied the	11:45:08
20	sixth floor, correct?	11:45:11
21	A. Right, right. And the engineers	11:45:14
22	were on 4 and 5.	11:45:16
23	Q. Did Mr. Touton occupy the ninth	11:45:19
24	and tenth floors when CCMS applied to sublease?	11:45:21
25	A. Yes.	11:45:25

Transcript of F. Michael Conte
January 4, 2023

69

1	Q.	And did Mr. Grill occupy the 12th	11:45:26
2		floor at that time?	11:45:30
3	A.	Yes. And Doctormann had 11. The	11:45:31
4		artist was on 2 and I believe Marc owned 3. But	11:45:37
5		I don't know what was going on with 7 and 8. I	11:45:43
6		know one was empty, of course.	11:45:46
7	Q.	Does the name Barbara Torgerson	11:45:49
8		seem familiar to you?	11:45:59
9	A.	Barbara works at the engineers.	11:46:01
10		She's the manager, the office manager.	11:46:03
11	Q.	Okay. Does the name Donald	11:46:06
12		Baechler --	11:46:10
13	A.	Oh, that's the artist. Baechler,	11:46:12
14		that's it. I told you it started with a B.	11:46:16
15	Q.	Baechler, is that how you	11:46:20
16		pronounce it?	11:46:25
17	A.	Yeah, Bachelor (phonetic), I	11:46:26
18		think.	11:46:26
19	Q.	And then does the last name	11:46:27
20		Guercio sound familiar?	11:46:31
21	A.	No.	11:46:34
22	Q.	Do you know if the artist occupied	11:46:35
23		the second floor at the time CCMS applied to	11:46:37
24		sublease?	11:46:41
25	A.	Yes, I believe he -- yes. Because	11:46:43

Transcript of F. Michael Conte
January 4, 2023

70

1	he just died. I think he died last year, so of	11:46:45
2	course he occupied it.	11:46:49
3	Q. At the time CCMS applied to	11:46:51
4	sublease the eighth floor, who were board	11:46:57
5	members of the co-op?	11:46:59
6	A. Myself, Joe Grill, Maxime, Eric	11:47:01
7	Doctormann and Marc Paturet.	11:47:08
8	Q. Before you received CCMS's	11:47:18
9	application to sublease the eighth floor, did	11:47:20
10	you know they were interested?	11:47:23
11	A. No.	11:47:25
12	Q. When CCMS submitted their	11:47:37
13	application to sublease, what kind of business	11:47:39
14	did you believe they were?	11:47:43
15	MR. MARGOLIS: Objection.	11:47:47
16	A. What kind of business. Well,	11:47:51
17	exactly what the internet said they were.	11:47:52
18	Q. Did you Google CCMS?	11:47:55
19	A. Yes.	11:47:59
20	Q. What did you find on Google?	11:48:00
21	A. Well, they did a lot of treatments	11:48:04
22	and things like this. They were, I don't know,	11:48:06
23	some kind of clinic of some type.	11:48:09
24	Q. Did you review CCMS's application	11:48:13
25	to sublease?	11:48:15

Transcript of F. Michael Conte
January 4, 2023

71

1	A.	Yes.	11:48:21
2	Q.	Did CCMS submit any other	11:48:21
3		materials to sublease the eighth floor?	11:48:25
4		MR. MARGOLIS: Objection.	11:48:28
5	A.	I think only the application.	11:48:30
6		Maybe they submitted -- I'm sure they had	11:48:36
7		documents with Touton and whatnot, but we didn't	11:48:39
8		see any of that stuff.	11:48:43
9	Q.	When did you personally --	11:48:44
10	A.	Not Touton. With Oxford, rather.	11:48:46
11		Let me correct that.	11:48:49
12	Q.	When did you personally review	11:48:50
13		CCMS's application to sublease?	11:48:52
14	A.	Well, of course I got it that day,	11:48:57
15		but we're in the middle of the holidays and who	11:49:00
16		even wants to think of business at that point.	11:49:03
17		So I'm going to say it's safe to say sometime in	11:49:05
18		early January.	11:49:08
19	Q.	Did the other board members review	11:49:09
20		CCMS's application to sublease?	11:49:11
21	A.	I have no idea what anyone else	11:49:14
22		did. I hope they reviewed it.	11:49:16
23	Q.	When did the board hold -- when	11:49:19
24		did the board interview CCMS for sublease	11:49:23
25		approval?	11:49:26

Transcript of F. Michael Conte
January 4, 2023

72

1	A.	As soon as we could get a meeting	11:49:28
2		together where everybody was able to attend. So	11:49:29
3		I think it was January 14th.	11:49:33
4	Q.	And where was the interview?	11:49:36
5	A.	It was in my office. In my	11:49:39
6		conference room.	11:49:43
7	Q.	You may have already stated this,	11:49:45
8		but how long was the interview?	11:49:48
9	A.	I'm going to say 45 minutes to an	11:49:51
10		hour.	11:49:53
11	Q.	And who was present at the	11:49:54
12		interview?	11:49:56
13		MR. MARGOLIS: Objection. Only	11:49:58
14		because you asked that before, but he can answer	11:49:59
15		it again.	11:50:01
16	A.	So, myself, Marc -- Marc was not	11:50:04
17		there, let's be clear about that. Joe Grill,	11:50:11
18		Eric Doctormann, Maxime Touton. Nigel was	11:50:15
19		there, Shamash, and Mr. Brooks.	11:50:26
20	Q.	Why wasn't Mr. Paturet present at	11:50:30
21		that interview?	11:50:33
22	A.	I believe he was in France. He	11:50:36
23		was overseas and he wasn't due back for a while.	11:50:38
24	Q.	Did it seem strange to you that	11:50:43
25		Mr. Paturet didn't attend the interview?	11:50:45

Transcript of F. Michael Conte
January 4, 2023

73

1	A.	No. He was out of town; how could	11:50:49
2		he attend? The guy's in Europe. He's not in	11:50:51
3		Sheepshead Bay.	11:50:56
4	Q.	Could Mr. Paturet have called in	11:50:56
5		for the interview?	11:50:58
6	A.	No.	11:51:00
7	Q.	Why not?	11:51:02
8	A.	Well, quite frankly, the	11:51:04
9		technology just wasn't there and they got a time	11:51:06
10		difference of, you know, God knows what. We	11:51:09
11		didn't even think of asking him to call in, if	11:51:12
12		you want to know the truth.	11:51:15
13	Q.	Before the interview, had you ever	11:51:17
14		heard of Emory Brooks?	11:51:19
15	A.	No.	11:51:22
16	Q.	Did you Google Mr. Brooks before	11:51:23
17		the interview?	11:51:25
18	A.	I think maybe I read about him on	11:51:30
19		his website, that's about it, but I didn't	11:51:32
20		Google him individually.	11:51:35
21	Q.	And you never met Mr. Brooks	11:51:36
22		before the interview?	11:51:38
23	A.	No.	11:51:39
24	Q.	At the time of the interview, did	11:51:43
25		you understand that Mr. Brooks is a Black man?	11:51:44

Transcript of F. Michael Conte

January 4, 2023

74

1	MR. MARGOLIS: Objection.	11:51:49
2	A. I'm sorry?	11:51:50
3	Q. At the time of the interview, did	11:51:51
4	you understand that Mr. Brooks is a Black man?	11:51:53
5	MR. MARGOLIS: Objection.	11:51:56
6	A. I don't understand your question.	11:52:00
7	Q. Did you know that Mr. Brooks was	11:52:02
8	Black at the time of his interview?	11:52:05
9	A. How could you not know he's Black?	11:52:09
10	I don't understand your question.	11:52:13
11	Q. So did you understand that	11:52:14
12	Mr. Brooks was Black at the time of his	11:52:16
13	interview?	11:52:18
14	MR. MARGOLIS: Objection.	11:52:19
15	A. Mr. Brooks is a Black man. Did I	11:52:20
16	understand that he's a Black man; is that your	11:52:23
17	question?	11:52:25
18	Q. Yes.	11:52:26
19	A. It's a bit insulting, if you want	11:52:28
20	to know the truth but, yes, I knew he's a Black	11:52:30
21	man.	11:52:33
22	Q. Why is that an insulting question?	11:52:33
23	A. I have eyes. I didn't tell you	11:52:40
24	that I was blind.	11:52:42
25	Q. What was discussed at the board	11:52:51

Transcript of F. Michael Conte
January 4, 2023

75

1	interview on January 14th, 2020?	11:52:53
2	MR. MARGOLIS: Objection.	11:52:56
3	A. Well, we discussed his day-to-day	11:53:00
4	operations.	11:53:03
5	Q. How did Mr. Brooks describe his	11:53:05
6	day-to-day operations?	11:53:07
7	A. He described that he has a clinic	11:53:13
8	whereby he treats people with criminal,	11:53:19
9	ex-criminal backgrounds, behavioral issues, and	11:53:23
10	I believe he said the children of narcotics	11:53:25
11	users.	11:53:28
12	Q. Who conducted the interview?	11:53:32
13	A. It was a round-robin discussion.	11:53:35
14	Everyone got a chance to ask questions.	11:53:39
15	Q. What questions did you ask at the	11:53:43
16	interview?	11:53:45
17	A. I'm glad you asked that. The	11:53:49
18	question that sticks out in my mind most was at	11:53:51
19	the end, because I really didn't understand what	11:53:54
20	he was doing. And by the end of the interview,	11:53:57
21	like the light bulb started going off in my head	11:54:00
22	that, you know, he's got some -- he said he's	11:54:03
23	doing people with criminal backgrounds.	11:54:07
24	So I asked him off the cuff, I	11:54:09
25	said, well, how many security guards do you	11:54:11

Transcript of F. Michael Conte
January 4, 2023

76

1 have, and he said 12. And I was like, wow, 12 11:54:14
2 security, what's going on on this floor that you 11:54:19
3 need security guards? I don't have security 11:54:21
4 guards. 11:54:23

5 Plus, you know, you figure, I'm 11:54:24
6 responsible for the employees on my floor here; 11:54:27
7 I've got to be concerned that if you have 12 11:54:30
8 security guards monitoring the people that are 11:54:33
9 coming into your space, what's going on? 11:54:35

10 I mean, it just didn't seem like 11:54:39
11 anything that was understandable, in my mind. I 11:54:42
12 can't even imagine a business that needs 12 11:54:45
13 security guards, I'll be honest with you. But 11:54:48
14 he said he has therapists there, and a lot of 11:54:50
15 the numbers didn't add up, if you want to know 11:54:53
16 the truth. He said he has 12 therapists. Then 11:54:56
17 I asked him, how many hours do you bill a week, 11:54:59
18 and he said 600 hours a week billing. And I'm 11:55:01
19 doing the math and I'm like, well, that means 11:55:05
20 you're doing -- each therapist has to do 50 11:55:08
21 people a day. It doesn't make sense. 11:55:10

22 The use that he was talking about, 11:55:13
23 the number of people that he wanted to bring 11:55:16
24 into the building on a daily basis just seemed 11:55:18
25 out of sorts in terms of everybody else who's in 11:55:21

Transcript of F. Michael Conte
January 4, 2023

77

1	here.	11:55:26
2	Q. Do you recall anything else that	11:55:29
3	was discussed at the January 14th, 2020	11:55:31
4	interview?	11:55:35
5	MR. MARGOLIS: Objection.	11:55:38
6	A. Again, we asked him about his	11:55:39
7	day-to-day operations. Those types of things	11:55:41
8	were discussed.	11:55:45
9	Q. At the interview did anyone	11:55:46
10	mention an attack that occurred in Monsey,	11:55:48
11	New York?	11:55:53
12	A. Not that I'm aware of.	11:55:54
13	Q. At the interview did anyone	11:55:58
14	express concerns about CCMS's sublease of the	11:56:01
15	eighth floor?	11:56:04
16	A. At the interview did anyone	11:56:08
17	express concerns. At the interview we were	11:56:10
18	asking questions. I don't think we formed an	11:56:20
19	opinion until we had the answers to the	11:56:22
20	questions that we put before him. So I don't	11:56:24
21	know that there were concerns. I mean, we had	11:56:27
22	questions about who was coming in, how many was	11:56:30
23	coming in, when they were coming in and things	11:56:33
24	like this.	11:56:37
25	You know, we don't have a person	11:56:37

Transcript of F. Michael Conte

January 4, 2023

78

1 in the lobby to coordinate anything. It's an
2 unattended lobby. And then he wanted to come
3 in, he wanted to hold things on Saturday. The
4 building is closed on Saturday.

5 It just didn't fit into -- his
6 operation was not a fit in this building.
7 That's all this comes down to at the end of the
8 day. And you know, I don't know where -- I just
9 don't understand, not every square peg fits in
10 every square hole. I mean, it's just not a fit
11 for this building. The type of volume that he
12 described coming in and the clientele that he's
13 bringing in, you know, I've got my wife here, I
14 have my employees here, I have two sons here. I
15 have to be concerned I think, if I'm letting
16 someone in who has criminal backgrounds all day
17 long, why would I let somebody in a building
18 that I own with that kind of background if I
19 don't have to do that? I don't really
20 understand.

21 Q. Did you have any other concerns
22 about CCMS's clientele?

23 A. The volume of the clientele, the
24 number of people that were going to be trotted
25 in and out to make 600 billable hours a week was

Transcript of F. Michael Conte
January 4, 2023

79

1 a big concern, because that means they would be 11:57:55
2 jamming up the elevators all day long. 11:57:57

3 Not to mention they also have a 11:58:01
4 thing for kids, so now the children, I assume -- 11:58:04
5 he's talking about he does -- I remember, it 11:58:07
6 blew me away. I never even heard of such a 11:58:10
7 thing. He does counseling for two year olds who 11:58:13
8 are the children of crack addicts. I can't even 11:58:17
9 imagine what counseling they get, but I've got 11:58:21
10 to figure that those people are then 11:58:23
11 accompanied, they're having somebody bring them 11:58:28
12 here because they're not getting here on their 11:58:29
13 own accord. 11:58:32

14 So, if that's a billable hour 11:58:33
15 while someone else is coming in as well. So the 11:58:35
16 volume of people that were coming in was just 11:58:38
17 outrageous and it didn't fit in the building. 11:58:41
18 That's all it comes down to. This is a low use 11:58:44
19 building. 11:58:52

20 Q. Did any of the other board members 11:58:53
21 have concerns about CCMS's clientele? 11:58:55

22 A. I think the nature -- yeah. I 11:59:01
23 think everybody had, I believe the consensus was 11:59:04
24 that we all had concerns about, number one, the 11:59:07
25 use and stress on the infrastructure of the 11:59:12

Transcript of F. Michael Conte
January 4, 2023

80

1 building, the fact that we're not open on 11:59:15
2 Saturday. We have no means to be open on 11:59:19
3 Saturday. There's no way to get that done. 11:59:22
4 Those were the concerns that we had and the 11:59:25
5 number of, volume of people that were going to 11:59:27
6 be coming into the building. These were all the 11:59:29
7 concerns that we discussed. 11:59:31

8 Q. I think you mentioned you were 11:59:35
9 concerned about children of crack addicts coming 11:59:37
10 into the building? 11:59:42

11 A. I think I said I don't even know 11:59:43
12 what kind of therapy a child of a drug addict 11:59:45
13 needs at the age of two years old. 11:59:49

14 Q. Did Mr. Brooks use the phrase 11:59:51
15 "crack addict" in his interview? 11:59:54

16 A. I think he may have used narcotics 11:59:57
17 or substance abuse. He probably used a nicer 11:59:59
18 word than that; that's his business. 12:00:03

19 Q. Did Mr. Grill express any concerns 12:00:07
20 about CCMS's clientele visiting the building 12:00:10
21 while he had models visiting his space? 12:00:15

22 A. I think the general consensus was 12:00:25
23 that the use was just not fitting here. I don't 12:00:27
24 know that Mr. Grill -- I don't -- I did not hear 12:00:30
25 that. I don't know. 12:00:33

Transcript of F. Michael Conte
January 4, 2023

81

1	Q.	You don't recall Mr. Grill or any	12:00:34
2		board member expressing concerns about models	12:00:38
3		visiting the building?	12:00:41
4	A.	No.	12:00:44
5		MR. CASE: Objection. Do you mean	12:00:46
6		expressing concern about the effect of a	12:00:48
7		proposed business upon models entering the	12:00:53
8		building? Or models entering the building?	12:00:57
9		MS. TURNER: I think what you're	12:01:01
10		saying, Michael, the effect of CCMS's clientele	12:01:03
11		on models visiting the building.	12:01:07
12	A.	Well, as employers we're all	12:01:10
13		responsible for the well-being of the people	12:01:13
14		that not only work for us but come to visit us.	12:01:15
15		So perhaps it's not an unreasonable assumption	12:01:20
16		that everyone was a little concerned because	12:01:22
17		you're going to have behavioral people, people	12:01:25
18		with criminal background. I don't think it's	12:01:28
19		unreasonable to have that concern.	12:01:34
20	Q.	Do you recall any specific	12:01:37
21		concerns Mr. Grill had at the interview?	12:01:39
22	A.	No.	12:01:44
23	Q.	Do you recall any specific	12:01:45
24		concerns that Mr. Touton had about CCMS's	12:01:48
25		clientele at the interview?	12:01:53

Transcript of F. Michael Conte

January 4, 2023

82

1	A.	No.	12:01:56
2	Q.	Do you recall any specific	12:01:56
3		concerns that Mr. Doctormann had about CCMS's	12:01:58
4		clientele?	12:02:05
5	A.	No.	12:02:07
6	Q.	At the interview was there any	12:02:11
7		discussion about what elevator CCMS's client	12:02:14
8		would use if they entered the building?	12:02:17
9	A.	No, not at all.	12:02:22
10	Q.	And just to circle back, do you	12:02:28
11		recall any discussion of an attack of a Black	12:02:32
12		man on a Jewish community in upstate New York?	12:02:38
13		MR. MARGOLIS: Objection.	12:02:44
14		MR. CASE: Objection.	12:02:45
15	A.	I'm sorry, could you ask me the	12:02:47
16		question again. I don't understand your	12:02:48
17		question. You asked me before if we had that	12:02:50
18		discussion. I said no, there was no such	12:02:54
19		discussion.	12:02:57
20	Q.	Understood. I just wanted to	12:02:58
21		clarify in case the Monsey, New York threw you	12:03:00
22		off.	12:03:05
23		What happened when the interview	12:03:11
24		ended, Mr. Conte?	12:03:13
25	A.	Mr. Brooks, I accompanied him to	12:03:15

Transcript of F. Michael Conte

January 4, 2023

83

1	the bathroom, he used the restroom. We had some	12:03:17
2	small talk. I thanked him for coming, and he	12:03:20
3	left.	12:03:23
4	Q. What was your impression of	12:03:24
5	Mr. Brooks?	12:03:26
6	A. Seemed like a very nice man.	12:03:30
7	Q. And what happened next after	12:03:35
8	Mr. Brooks left the interview?	12:03:37
9	A. The board convened. We discussed	12:03:42
10	the use of the space and we didn't think it	12:03:46
11	would fit into the building. We called for a	12:03:50
12	vote, show of hands. Everybody raised their	12:03:53
13	hands, including Nigel, and we were dumbfounded	12:03:56
14	that he would vote against a person that he	12:03:59
15	brought into the building to rent the space. We	12:04:02
16	were looking at each other like what's going on	12:04:04
17	here, this is bizarre. Like if he didn't think	12:04:06
18	he should come in, why did he even go through	12:04:10
19	negotiation and everything like that? Why would	12:04:14
20	he do that? Why would he waste his time?	12:04:17
21	Apparently he knew -- I don't	12:04:20
22	know, I think maybe he was trying to save face	12:04:22
23	in front of us because he knew that he could	12:04:25
24	never get -- this use was just not going to	12:04:27
25	work. Otherwise I don't know why he would vote	12:04:31

Transcript of F. Michael Conte
January 4, 2023

84

1 against the person that he brought in to rent
2 the space.

3 And by the way, let me also say
4 this, that I don't think you're aware of. When
5 a tenant vote gets a sublease, the building gets
6 a percentage of the income. So we're anxious to
7 get the income on these floors. We have skin in
8 the game, so to speak, too, so the income helps
9 us pay a lot of our bills. So we would have
10 no-- we want to have a tenant in there. We
11 need to have the right tenant, though. That's
12 what's important.

13 Q. After Mr. Brooks left, how long
14 did the board discuss denying the sublease?

15 A. Maybe 10 or 15 minutes.

16 Q. After Mr. Brooks left the
17 interview, did any of the board members express
18 additional concerns about CCMS or its clientele?

19 A. I think we discussed the issues at
20 hand where some of the numbers didn't add up
21 because the billable hours was an issue. We
22 couldn't figure out how you do 600 billable
23 hours with 12 therapists. I mean, the numbers
24 didn't add up. I think that's what it comes
25 down to.

Transcript of F. Michael Conte
January 4, 2023

85

1	Q.	So, sitting here today, how many	12:06:19
2		visitors did you understand would visit CCMS on	12:06:23
3		the eighth floor on a daily basis?	12:06:29
4	A.	Well, I think the application said	12:06:33
5		50 a day. But again, that didn't make sense if	12:06:35
6		you have 600 billable hours a week. It just	12:06:38
7		didn't add up. You would have to be doing at	12:06:42
8		least 100 a day to have 600 billable hours.	12:06:51
9	Q.	At the interview, what kind of	12:06:59
10		business did you understand CCMS would be	12:07:02
11		operating on the eighth floor?	12:07:05
12	A.	Well, I think -- you know, it was	12:07:08
13		a clinic. I mean, it was clear that this was	12:07:13
14		going to be some kind of clinic with people	12:07:15
15		coming and going. This is not going to be a	12:07:19
16		back office situation. This was described as a	12:07:21
17		clinic.	12:07:23
18	Q.	And was that consistent with	12:07:27
19		CCMS's application, sublease application?	12:07:31
20	A.	Was that consistent. Parts of it	12:07:35
21		were consistent, parts of it were inconsistent,	12:07:38
22		because they did say they were going to have	12:07:43
23		administrative offices, et cetera and so on.	12:07:45
24		I'm sure that fit, but I think that the whole	12:07:48
25		idea was to downplay the clinic aspect, because	12:07:51

Transcript of F. Michael Conte

January 4, 2023

86

1 there is no way that a clinic would come into
2 this building. It's just not suited for that
3 type of situation. And I think it was to
4 everyone's best interest on Oxford's side to
5 make this sound like it's back office. Because
6 if Brooks came in and said, look, I'm having
7 back office here, you're not going to see a
8 soul, this is what we want, the accountant, the
9 attorney or whatever, I don't know that we'd be
10 sitting here today, because it would have been
11 approved, but it was not represented that way.
12 It was represented as a clinic with a lot of
13 activity in and out of the building on days that
14 this building is not even suited or open, so to
15 speak, for people to come in.

16 Q. After the vote on the sublease,
17 what did the board do?

18 A. Went home.

19 Q. Did the board inform CCMS of the
20 sublease rejection?

21 A. Once again, Nigel was here, he
22 voted against it. He saw the vote, it was a
23 hand vote. I don't know that we had to call him
24 up and say, hey Nigel, by the way, the meeting
25 last night, you didn't get approved. He was

12:07:56
12:07:59
12:08:02
12:08:05
12:08:09
12:08:13
12:08:17
12:08:19
12:08:22
12:08:24
12:08:26
12:08:29
12:08:31
12:08:35
12:08:38
12:08:44
12:08:48
12:08:52
12:08:55
12:08:58
12:09:00
12:09:02
12:09:06
12:09:09
12:09:11

Transcript of F. Michael Conte

January 4, 2023

87

1 there; he knew it. It was up to Nigel to inform 12:09:15
2 his tenant, not up to the board. 12:09:17

3 Q. Did anyone on the board confirm if 12:09:19
4 Mr. Shamash informed CCMS of the sublease 12:09:22
5 denial? 12:09:25

6 A. I don't believe we have a 12:09:27
7 responsibility to do that. 12:09:28

8 Q. Before the interview, was anyone 12:09:40
9 from Oxford in contact with any of the board 12:09:42
10 members regarding the sublease? 12:09:46

11 A. I have no idea. According to 12:09:49
12 Nigel's email, he had three people in the 12:09:53
13 pocket, so ask Nigel. 12:09:56

14 Q. Do you know if Mr. Shamash was in 12:09:58
15 contact with the board president, Mr. Paturet? 12:10:01

16 A. I have no idea. 12:10:06

17 Q. Do you know if Mr. Shamash was in 12:10:09
18 contact with Mr. Grill regarding the sublease? 12:10:11

19 A. I have no idea. 12:10:15

20 Q. Did Mr. Shamash ever reach out to 12:10:17
21 you before the interview regarding the sublease? 12:10:19

22 A. Nigel wouldn't reach out to me. 12:10:25
23 No, he did not. 12:10:28

24 Q. Why wouldn't Mr. Shamash reach out 12:10:29
25 to you? 12:10:32

Transcript of F. Michael Conte

January 4, 2023

88

1 A. Well, when I asked him to stop the
2 leak coming from his floor, he told me to take a
3 hike. I don't think that's something you do to
4 a neighbor who's asking you for help. I don't
5 think that's realistic. I had to fix that
6 ceiling four times out of pocket and I asked him
7 to remedy it and he told me I should go talk to
8 the tenant in the space. And I didn't think
9 that that was appropriate. I think it was his
10 job to remedy the situation and he should talk
11 to the tenant in the space. It's not my tenant.

12 Q. Before the interview, was anyone
13 from Oxford in contact with the board regarding
14 CCMS's request to install phone lines or move in
15 furniture?

16 A. No, not that I'm aware of. As a
17 matter of fact, I read that in one of the
18 emails, that somebody let them do work in there,
19 and that's completely irresponsible on a lot of
20 parts. I mean, who's the attorney who allows
21 his client to do work in a space that he doesn't
22 even have a lease for? I mean, a lot of people
23 dropped the ball on this.

24 You know, I can't even believe
25 that anyone was allowed in there, and certainly

Transcript of F. Michael Conte

January 4, 2023

89

1 no one had any knowledge of that, that I'm aware
2 of. And I also found it strange, quite frankly,
3 that -- so they snuck the people in to do work,
4 but Nigel still didn't present the application
5 to the board until a month after they did work
6 in the space. It makes no sense. When you read
7 this thing, it is like the biggest -- I don't
8 know, everybody -- you know, it's funny because
9 when you read stuff, you realize -- and you read
10 it again, you realize that Nigel knew this
11 wasn't going to work. He represented that he
12 went to see the clinic and he had the authority
13 of the board to do that. He had no such
14 authority. He doesn't represent the board.
15 Nobody even knew this was going on. When I read
16 that, my head almost exploded. He twisted this
17 whole situation and put your client in the
18 situation that they're in now, whatever that is.

19 Q. Mr. Conte, do you know for a fact
20 that Mr. Shamash was not in contact with any of
21 the other board members regarding the sublease?

22 MR. MARGOLIS: Objection.

23 MR. CASE: Objection.

24 A. I don't know that.

25 Q. Mr. Conte, I think we're going to

12:11:54
12:11:57
12:12:13
12:12:17
12:12:20
12:12:23
12:12:27
12:12:29
12:12:33
12:12:37
12:12:40
12:12:42
12:12:45
12:12:47
12:12:49
12:12:52
12:12:57
12:12:59
12:13:04
12:13:06
12:13:10
12:13:13
12:13:15
12:13:16
12:13:19

Transcript of F. Michael Conte

January 4, 2023

90

1	go through some documents. I don't have many	12:13:23
2	documents, probably less than ten, but Mr. Emil	12:13:25
3	is going to help us show them on the screen.	12:13:32
4	And I believe I sent both opposing counsel links	12:13:36
5	to download any of the exhibits.	12:13:43
6	MS. TURNER: Emil, if you can pull	12:13:46
7	up the exhibit that was premarked GG, that will	12:13:50
8	be great, thank you.	12:13:54
9	(Previously marked Exhibit GG was	12:13:56
10	shared at this time.)	12:14:02
11	MR. MARGOLIS: Tara, just for	12:14:09
12	clarity, when you say premarked, do you mean	12:14:10
13	previously marked at some other deposition, or	12:14:14
14	premarked for today?	12:14:16
15	MS. TURNER: I'm sorry, I know	12:14:18
16	that was confusing. I meant previously marked.	12:14:19
17	Some of the files were renamed by Planet Depos,	12:14:22
18	either Shamash GG, like this file; some are also	12:14:28
19	renamed "premarked" and then the letter.	12:14:33
20	MR. MARGOLIS: Let's just try to	12:14:37
21	keep some -- just so we know that if an exhibit	12:14:39
22	was previously used and marked at another	12:14:44
23	deposition, let's just make sure we make that	12:14:46
24	clear for the record. And then if it's marked	12:14:48
25	something different for this deposition, it will	12:14:51

Transcript of F. Michael Conte
January 4, 2023

91

1	be just noted appropriately for this deposition.	12:14:53
2	Okay?	12:14:56
3	MS. TURNER: Sure. So we're	12:14:56
4	looking at Exhibit Shamash GG, which was	12:14:58
5	previously marked in the deposition of Nigel	12:15:05
6	Shamash. Unless anyone has any objection, I	12:15:09
7	think we'll just continue with that naming	12:15:12
8	convention for this deposition.	12:15:14
9	MR. MARGOLIS: That's fine.	12:15:19
10	BY MS. TURNER:	12:15:22
11	Q. Mr. Conte, do you want to take a	12:15:23
12	second to review this document?	12:15:25
13	A. I can't see the bottom, so you're	12:15:28
14	going to have to do something so I can see the	12:15:29
15	bottom of it.	12:15:32
16	Q. Sure. If you just let Emil know	12:15:33
17	when you're ready to scroll down, he can scroll.	12:15:36
18	A. That's good right there.	12:15:43
19	MR. MARGOLIS: And can we just	12:15:45
20	zoom in a little bit too, Emil. Thank you.	12:15:47
21	(Witness reviewing document.)	12:15:52
22	THE WITNESS: Okay. You could go	12:16:02
23	down to the next page.	12:16:03
24	(Witness reviewing document.)	12:16:07
25	A. Okay, I read it.	12:16:28

Transcript of F. Michael Conte

January 4, 2023

92

1	Q.	Thank you.	12:16:29
2		Mr. Conte, do you recognize this	12:16:31
3		document?	12:16:33
4	A.	Yes, I do.	12:16:34
5	Q.	When did you receive it?	12:16:40
6	A.	Apparently on the 19th of	12:16:44
7		December.	12:16:46
8	Q.	And what did you think when	12:16:50
9		Mr. Lehr forwarded Mr. Shamash's email to you?	12:16:54
10		MR. MARGOLIS: Objection.	12:16:58
11	A.	What did I think? Peter forwards	12:17:03
12		me emails all the time.	12:17:08
13	Q.	Did you review the email?	12:17:10
14	A.	Yes.	12:17:13
15	Q.	So, starting with page 1 of the	12:17:16
16		document, the bottom, the paragraph --	12:17:22
17	A.	Could you scroll up so I could	12:17:27
18		look at that. Little more.	12:17:30
19		MR. MARGOLIS: Can you bring up	12:17:33
20		the full page, Emil, please. You'll have to	12:17:34
21		reduce it, obviously, a little bit.	12:17:38
22	A.	Okay, I'm cool.	12:17:46
23	Q.	Sure. Mr. Conte, could you read	12:17:49
24		the first two paragraphs from Mr. Shamash's	12:17:51
25		email on December 19th, 2019.	12:17:55

Transcript of F. Michael Conte
January 4, 2023

93

1 MR. MARGOLIS: To himself? Tara,
2 to himself or read it into the record?

3 MS. TURNER: Oh, I'm sorry. Can
4 you read it into the record. Read it out loud.

5 A. "We have signed a lease and are
6 ready to put this tenant up for a vote. We've
7 had a lot of movement with tech companies on
8 this floor over the years. We're looking
9 forward to the stability of a more conventional
10 user.

11 "I believe they are a good use for
12 the building as they are low traffic and
13 conformant with the traffic nature of the
14 building, a place for business and very 9-5.
15 Should they operate after building hours for any
16 reason, as with other tenants, they have to pay
17 for a doorman."

18 Q. So given Mr. Shamash's explanation
19 of CCMS, what did you think about the use when
20 you received this email?

21 A. Well, clearly this doesn't even
22 match the application that was submitted. So,
23 this would lead you to believe that they are a
24 very conventional user, which to me a
25 conventional user in this building would be a

Transcript of F. Michael Conte
January 4, 2023

94

1 business similar to the exposures of use that we
2 have.

3 So, I don't know what he's talking
4 about, conventional user. But clearly they
5 weren't 9 to 5, their application clearly said
6 they weren't 9 to 5, and I don't know what he
7 thinks a conventional user is for somebody who's
8 operating a clinic in a building. And this
9 whole line about other tenants that have to pay
10 for a doorman, I never heard of such a thing.
11 We've never even had that discussion anywhere,
12 ever.

13 Q. But at the time you received this
14 email, did this seem like a permissible use for
15 the building as it was described?

16 A. Based on what's written here,
17 based on what's written here, this would seem
18 like a very permissible use.

19 Q. Okay.

20 A. Low traffic, conformant to 9 to 5,
21 conventional user. I mean, this is exactly what
22 we're looking for as a tenant. Nigel knew that.
23 That's why he wrote this letter to us.

24 Q. And was December 19th, 2019 the
25 first time you learned about CCMS's attempt to

Transcript of F. Michael Conte
January 4, 2023

95

1	sublease the eighth floor?	12:20:30
2	A. Yes.	12:20:35
3	Q. You mentioned the sublease	12:20:36
4	application.	12:20:38
5	MS. TURNER: Emil, could you pull	12:20:40
6	up what was -- what is marked, is labeled,	12:20:42
7	Premarked G in the file. Apologies, my Zoom	12:20:52
8	just cut out for a second.	12:21:01
9	Emil, could you pull up what is	12:21:03
10	labeled Premarked G in the exhibit file and	12:21:10
11	display it on the screen.	12:21:17
12	(Previously marked Exhibit G was	12:21:19
13	shared at this time.)	12:21:25
14	MR. MARGOLIS: This document is	12:21:26
15	marked -- this was an exhibit I showed your	12:21:30
16	client, Mr. Brooks, at his deposition on 12/8.	12:21:34
17	So I would refer to this, for the record, as	12:21:39
18	previously marked Defendant's Exhibit G. Not	12:21:42
19	Premarked G.	12:21:47
20	MS. TURNER: Thank you, Barry.	12:21:53
21	Apologies for the confusion for anyone. It's	12:21:55
22	labeled something different in the exhibit	12:21:58
23	repository, so I didn't want Emil to get	12:22:01
24	confused.	12:22:04
25	MR. MARGOLIS: This was previously	12:22:04

Transcript of F. Michael Conte
January 4, 2023

96

1	marked at the deposition of your client by the	12:22:06
2	defendants.	12:22:09
3	MS. TURNER: Correct.	12:22:10
4	BY MS. TURNER:	12:22:13
5	Q. Mr. Conte, do you recognize --	12:22:14
6	actually, Mr. Conte, why don't you take a second	12:22:16
7	to review this document and you can just let	12:22:19
8	Emil know when to scroll.	12:22:21
9	THE WITNESS: Scroll. Hold.	12:22:35
10	Scroll.	12:22:42
11	(Witness reviewing document.)	12:22:43
12	Scroll. Scroll. Scroll.	12:23:01
13	Continue. Okay.	12:23:28
14	A. Six pages, correct?	12:23:35
15	Q. Yes. Mr. Conte, do you recognize	12:23:37
16	this document?	12:23:40
17	A. Yes.	12:23:41
18	Q. What is it?	12:23:43
19	A. It's the Sublet Application, West	12:23:45
20	27th Street Realty, Inc.	12:23:51
21	Q. Did CCMS submit this sublease	12:23:51
22	application?	12:23:58
23	A. Well, it's signed by Emory Brooks,	12:23:59
24	so I imagine they submitted it.	12:24:01
25	Q. Did Mr. Brooks submit this	12:24:03

Transcript of F. Michael Conte

January 4, 2023

97

1	application on behalf of CCMS?	12:24:06
2	A. I don't know the answer to that.	12:24:10
3	I'm going to assume that he did because he	12:24:12
4	signed it.	12:24:14
5	MS. TURNER: If we can go to	12:24:22
6	the -- Emil, if you can go to the second page of	12:24:24
7	the document.	12:24:26
8	Q. Mr. Conte, could you just read out	12:24:31
9	loud number 1, Business Name.	12:24:35
10	A. "CCMS d/b/a Community Counseling	12:24:40
11	and Mediation Services."	12:24:46
12	Q. Did CCMS submit this sublease	12:24:47
13	application for the eighth floor?	12:24:50
14	MR. MARGOLIS: Objection.	12:24:52
15	A. This was the document sent to me	12:24:57
16	and I was told that CCMS submitted it.	12:25:00
17	Q. And who told you that CCMS	12:25:05
18	submitted this application?	12:25:07
19	A. Well, the fact that it came from	12:25:10
20	Kaled in the email would be an indication	12:25:11
21	that -- I didn't write it. I didn't make it up.	12:25:14
22	Q. I understand. When did you	12:25:19
23	receive this document?	12:25:25
24	MR. MARGOLIS: Objection.	12:25:28
25	A. I believe this came in on the	12:25:29

Transcript of F. Michael Conte
January 4, 2023

98

1	26th. Or the 24th, or something like this. I	12:25:31
2	remember it was right around Christmastime.	12:25:40
3	When did he sign it? Go to the bottom. I think	12:25:42
4	he signed it with a date. I think he signed it	12:25:45
5	on the 24th. So, we were closed for Christmas.	12:25:47
6	THE WITNESS: Emil, do you want to	12:25:56
7	scroll down so we can see the date he put his	12:25:58
8	signature on there. Keep going.	12:26:03
9	A. 24. 12/24 of '19. Christmas Eve.	12:26:13
10	Q. Do you recall if you received it	12:26:20
11	on Christmas Eve or another date?	12:26:22
12	A. It definitely was not on Christmas	12:26:25
13	Eve and it wasn't on Christmas Day. I was out	12:26:28
14	of here at noon by then, and I believe the email	12:26:33
15	is dated the 26th when Kaled distributed it to	12:26:37
16	everyone.	12:26:40
17	MS. TURNER: Emil, if you can go	12:26:42
18	back up to the top of page 3, and you can leave	12:26:44
19	it so Mr. Conte can see the full page.	12:26:50
20	Q. Mr. Conte, if you look on page 3	12:26:55
21	at the top:	12:26:57
22	"Please give description of daily	12:26:58
23	operation: At the 129 West 27th Street office	12:27:02
24	we will operate a licensed out-patient clinic	12:27:07
25	providing," I believe that says,	12:27:10

Transcript of F. Michael Conte
January 4, 2023

99

1	"psychotherapeutic offices."	12:27:13
2	What did you think when you	12:27:17
3	reviewed this application and read the	12:27:18
4	description of the operation.	12:27:21
5	A. Clearly that's nothing that Nigel	12:27:23
6	said to begin with; it's not even close to what	12:27:27
7	Nigel indicated. All of the inconsistencies	12:27:29
8	here, you know, it's not even close to what	12:27:32
9	Nigel presented this application to be. It's	12:27:35
10	not even in the same realm. This says	12:27:37
11	out-patient clinic. Nigel said it's a 9 to 5	12:27:40
12	office operation. I think that's inconsistent.	12:27:45
13	Here it says 9 a.m. to 8 p.m. Nigel said they'd	12:27:48
14	be working 9 to 5. Here it says they're going	12:27:53
15	to work on Saturday, 9 to 5. Again, the	12:27:57
16	building is not open on Saturday. Nigel said	12:27:59
17	it's a conventional business, 9 to 5, Monday to	12:28:03
18	Friday. This says Monday to Saturday.	12:28:06
19	This application had nothing to	12:28:09
20	do -- I don't know where Nigel wrote that	12:28:10
21	letter. Must have been in fantasy land, because	12:28:13
22	it's got nothing to do with this application.	12:28:16
23	It's not even close.	12:28:19
24	Q. I understand.	12:28:22
25	When you reviewed this	12:28:22

Transcript of F. Michael Conte

January 4, 2023

100

1	application, what did you think out-patient	12:28:24
2	clinic meant?	12:28:26
3	A. People were coming in and out of	12:28:33
4	the building.	12:28:36
5	Q. When you received this application	12:28:37
6	and read that, were you concerned about the	12:28:38
7	traffic that would be entering the building?	12:28:42
8	A. Absolutely. Especially because in	12:28:46
9	Nigel's email of the 19th he said it's a very	12:28:48
10	low use entity. Now, an out-patient clinic, I	12:28:52
11	don't know, what's a low use out-patient clinic?	12:28:57
12	I can't even imagine what that is.	12:29:00
13	Q. And what did you think the	12:29:03
14	description "providing psychotherapeutic	12:29:04
15	services" meant?	12:29:10
16	A. Honestly, I had no idea what that	12:29:12
17	was even about. I don't even understand -- no,	12:29:14
18	I have no idea what that meant, quite frankly.	12:29:16
19	Q. Did you think it might mean --	12:29:20
20	A. I do know what clinic meant.	12:29:23
21	Q. Did you think psychotherapeutic	12:29:27
22	services might mean mental health services?	12:29:32
23	A. Yeah, I would say that's a fair	12:29:35
24	assessment.	12:29:37
25	Q. And here on the application, how	12:29:37

Transcript of F. Michael Conte
January 4, 2023

101

1	many employees does CCMS identify would work at	12:29:41
2	the eighth floor?	12:29:46
3	A. 12.	12:29:48
4	Q. And how many customers would visit	12:29:49
5	the eighth floor?	12:29:52
6	A. Here it says 50 daily.	12:29:56
7	Q. And what does it say for weekly?	12:29:58
8	A. Well, the numbers don't add up.	12:30:03
9	Because it's 50 daily and they're operating six	12:30:05
10	days a week, so it should say 300, but it says	12:30:08
11	200. Daily, six times five is 300, not 200.	12:30:12
12	Q. Understood.	12:30:20
13	When you saw the number of	12:30:21
14	employees and customers visiting the eighth	12:30:22
15	floor daily, were you concerned about the use?	12:30:27
16	A. Yes.	12:30:30
17	Q. Before Mr. Brooks' interview on	12:30:34
18	January 14th, 2020, did any other board members	12:30:41
19	express concerns about the inconsistencies	12:30:44
20	between this application and Nigel's email?	12:30:49
21	A. I think it's safe to say that we	12:30:58
22	met the night of the meeting. That's when we	12:31:01
23	got together. We didn't have an opportunity to	12:31:03
24	meet before then or to discuss it. Everybody	12:31:05
25	was on holiday. Not that it would even dawn on	12:31:08

Transcript of F. Michael Conte

January 4, 2023

102

1 us to have a pre-meeting, quite frankly. 12:31:11

2 Q. But do you recall if you noticed 12:31:14

3 at the time that this application was 12:31:17

4 inconsistent with Nigel's email? 12:31:18

5 A. When I read the application, 12:31:22

6 compared to Nigel's email, yes, I noticed that 12:31:24

7 there were many inconsistencies. 12:31:28

8 Q. Given the number of employees and 12:31:39

9 visitors stated in the application, why did the 12:31:41

10 board go forward with the interview? 12:31:46

11 A. We were asked to interview 12:31:56

12 Mr. Brooks. Maybe he didn't represent this 12:31:59

13 properly, I don't know. I don't think we had a 12:32:02

14 discussion as to should we go forward or not go 12:32:05

15 forward. We just set the meeting. 12:32:07

16 Q. Did you have any thoughts -- 12:32:12

17 A. It was hard enough to get people 12:32:13

18 to agree to a meeting; and I think, you know, 12:32:16

19 Nigel, I believe he was screaming that he needed 12:32:20

20 this done, he needed this done. So Kaled was 12:32:25

21 like, you know, Nigel really wants this done, 12:32:28

22 can you guys get together. It was in the middle 12:32:31

23 of the holiday. 12:32:33

24 If he really wanted it done -- you 12:32:34

25 know, I just bought a co-op in the city and once 12:32:36

Transcript of F. Michael Conte

January 4, 2023

103

1 we agreed to the terms of the contract, before 12:32:39
2 we even had everything nailed down, they said 12:32:41
3 here's an application, fill it out, you have to 12:32:44
4 be interviewed by the board before you can even 12:32:47
5 consummate the deal. 12:32:49

6 Anybody in the city who does 12:32:50
7 anything with co-ops knows that the first thing 12:32:52
8 you should do is fill out the application for 12:32:55
9 the co-op and submit it. And that wasn't done 12:32:57
10 here. It was held -- do you know why it was 12:33:02
11 held to the end of the year, because Nigel knew 12:33:05
12 this wasn't going to fly and he figured, oh, 12:33:09
13 everybody is away, they'll give you a verbal and 12:33:13
14 we'll be done. They'll vote on email. That's 12:33:15
15 what this is all about. 12:33:18

16 Q. Why do you think Mr. Shamash 12:33:19
17 believed that the board members would vote via 12:33:21
18 email? 12:33:24

19 A. I think that in the past, before 12:33:28
20 Kaled was involved, the management and these 12:33:31
21 type of things were not done in an organized 12:33:35
22 fashion, and I believe that Shamash figured 12:33:41
23 nothing's changed. 12:33:46

24 Q. Do you know if any of Oxford's 12:33:51
25 former subtenants had been approved via email? 12:33:55

Transcript of F. Michael Conte

January 4, 2023

104

1	A.	I don't know.	12:34:03
2	Q.	Do you know when --	12:34:09
3	A.	I wasn't involved with those	12:34:11
4		approvals.	12:34:13
5	Q.	Do you know when Kaled sent the	12:34:15
6		sublease application to my client?	12:34:18
7	A.	I don't.	12:34:23
8	Q.	Had you ever seen this sublease	12:34:27
9		application before you received it in December?	12:34:30
10	A.	Yeah, I'm -- yes, I had.	12:34:32
11	Q.	When had you seen the application	12:34:36
12		before?	12:34:38
13	A.	I believe Susan and I were	12:34:42
14		creating it, I don't know, prior to, you know,	12:34:44
15		previously. I don't know when, though.	12:34:49
16	Q.	And Susan is referring to an	12:34:51
17		employee of Kaled Management?	12:34:54
18	A.	Right. Right.	12:34:57
19	Q.	Based on the interview with	12:35:10
20		Mr. Brooks, did you believe the sublease	12:35:12
21		application was consistent with his description	12:35:14
22		of CCMS?	12:35:17
23	A.	I believe that Mr. Brooks	12:35:23
24		represented exactly what's on this application,	12:35:26
25		and that's why there was the problem. Because	12:35:29

Transcript of F. Michael Conte
January 4, 2023

105

1	in that email we were led to believe that this	12:35:32
2	was a 9 to 5 operation of conventional use with	12:35:35
3	low traffic. And there's nothing on this	12:35:43
4	application that's of conventional use with low	12:35:45
5	traffic.	12:35:48
6	Q. So, looking at this sublease	12:35:50
7	application, the board already had all the	12:35:53
8	information they needed to assess the level of	12:35:56
9	traffic to the eighth floor, correct?	12:35:59
10	MR. MARGOLIS: Objection.	12:36:03
11	MR. CASE: Objection.	12:36:05
12	MR. MARGOLIS: When, Tara?	12:36:07
13	MS. TURNER: Sorry, Nancy, could	12:36:11
14	you possibly read my question back for me.	12:36:25
15	(Last question read.)	12:36:28
16	MR. CASE: Object to form.	12:36:30
17	Q. Mr. Conte, when you received this	12:36:32
18	sublease application, you already had all the	12:36:34
19	information you needed to assess the level of	12:36:37
20	traffic to the eighth floor, correct?	12:36:41
21	MR. MARGOLIS: Objection.	12:36:43
22	MR. CASE: Same objection.	12:36:43
23	A. When I received this application	12:36:46
24	and I compared it to what I was told in Nigel's	12:36:47
25	email, I realized that there were	12:36:51

Transcript of F. Michael Conte
January 4, 2023

106

1	inconsistencies on this application in	12:36:53
2	comparison to what Nigel presented this	12:36:55
3	applicant to be.	12:36:57
4	Q. Mr. Conte, we might come back to	12:37:27
5	this document, but I'm going to shift to a	12:37:29
6	different document.	12:37:33
7	MS. TURNER: Emil, could you pull	12:37:35
8	up what was previously marked as Defendant's	12:37:37
9	Exhibit M and was admitted in the deposition of	12:37:47
10	Mr. Emory Brooks. The file name of the document	12:37:58
11	is Premarked M in the repository, just so	12:38:02
12	there's no confusion.	12:38:10
13	(Previously marked Exhibit M was	12:38:11
14	shared at this time.)	12:38:18
15	Q. Mr. Conte, could you please take a	12:38:20
16	second and review this document and just let	12:38:22
17	Emil know when he needs to scroll down.	12:38:26
18	THE WITNESS: Scroll down, please.	12:38:29
19	(Witness reviewing document.)	12:38:31
20	Scroll down, please.	12:38:41
21	(Witness reviewing document.)	12:38:47
22	Scroll down, please.	12:38:52
23	(Witness reviewing document.)	12:39:00
24	You can come up a little bit.	12:39:05
25	Yup, that's fine. Okay, I read it.	12:39:08

Transcript of F. Michael Conte

January 4, 2023

107

1	MS. TURNER: Emil, we're going to	12:39:10
2	focus on the bottom of page 1, top of page 2, to	12:39:12
3	the extent you can zoom out.	12:39:16
4	BY MS. TURNER:	12:39:24
5	Q. Mr. Conte, do you recognize this	12:39:25
6	email?	12:39:30
7	A. Yes.	12:39:30
8	Q. Did you write this email on	12:39:31
9	December 26th, 2019?	12:39:33
10	A. Yes.	12:39:36
11	Q. Can you read your email aloud for	12:39:37
12	the record, please.	12:39:39
13	A. Sure. (As read): "The board will	12:39:41
14	meet on January 14th, 2020 to consider this	12:39:43
15	application. It's customary that the applicant	12:39:45
16	appear for an interview at the time. According	12:39:48
17	to our bylaws all sublets must be approved. I'm	12:39:52
18	not sure why anyone would assume otherwise."	12:39:56
19	Q. Thank you, Mr. Conte. And your	12:39:59
20	email is addressed to Susan Rubin at Kaled	12:40:01
21	Management?	12:40:08
22	A. That's correct.	12:40:08
23	Q. Thank you.	12:40:09
24	Your statement that it is	12:40:10
25	customary that the applicant appear for an	12:40:11

Transcript of F. Michael Conte
January 4, 2023

108

1	interview at that time, what did you mean by	12:40:14
2	customary?	12:40:17
3	A. Well, maybe customary was the	12:40:20
4	wrong word because, as I said, we've never had	12:40:22
5	an interview, I've never been involved in an	12:40:25
6	interview like this. So, I don't know, maybe I	12:40:29
7	just chose the wrong word. Maybe I should have	12:40:30
8	said the applicant has to be interviewed.	12:40:34
9	Q. Who decided that the applicant had	12:40:39
10	to be interviewed?	12:40:42
11	A. I mean, that's -- who decided.	12:40:46
12	The board wanted to have an interview. I don't	12:40:53
13	remember who decided. I don't remember. But	12:40:58
14	I've never had a co-op approval personally where	12:41:01
15	there wasn't an interview.	12:41:05
16	Q. But you're also not aware of any	12:41:07
17	other interviews in connection with this co-op	12:41:09
18	for sublease approval?	12:41:13
19	A. Fair statement. That I've been	12:41:16
20	involved in. There may have been others. I've	12:41:19
21	not been involved in any.	12:41:22
22	Q. What would lead you to believe	12:41:27
23	then that it was customary for the applicant to	12:41:28
24	appear for an interview, if you've never been	12:41:31
25	involved in one?	12:41:33

Transcript of F. Michael Conte

January 4, 2023

109

1	MR. MARGOLIS: Objection.	12:41:34
2	MR. CASE: Yeah, misstates his	12:41:35
3	testimony.	12:41:38
4	A. Again, maybe I used the -- sorry,	12:41:43
5	Barry.	12:41:45
6	MR. MARGOLIS: Not me.	12:41:46
7	MR. CASE: I was going to say that	12:41:47
8	I think he indicated that for other co-ops,	12:41:47
9	there's always an interview. Just that there	12:41:53
10	had been no history for this particular co-op.	12:41:57
11	Q. Is that still your testimony,	12:42:05
12	Mr. Conte?	12:42:07
13	A. I was going to say that maybe	12:42:08
14	"customary" was the wrong word in this	12:42:13
15	application, in this context. Maybe it's just a	12:42:16
16	word that I'm used to from my past, my own	12:42:19
17	individual situations.	12:42:22
18	Q. Did you discuss holding an	12:42:27
19	interview with the board president, Mr. Paturet?	12:42:31
20	A. No. I was inform -- somewhere	12:42:36
21	somebody told me he's in Paris, so...	12:42:40
22	Q. The third sentence in your email,	12:42:50
23	"According to our bylaws all sublets must be	12:42:53
24	approved," do the bylaws require that the board	12:42:56
25	approve subtenants via an interview?	12:43:02

Transcript of F. Michael Conte

January 4, 2023

110

1	A.	I would have to read those bylaws.	12:43:12
2	Q.	Okay, Mr. Conte, I think we're	12:43:37
3		finished with this document.	12:43:39
4	MS. TURNER:	Emil, if you could	12:43:40
5		pull up the document in the repository labeled	12:43:44
6		Doc 33. This is an entirely new document that	12:43:47
7		has not been used in any prior deposition, so we	12:43:51
8		will need to mark it with the lettering RR, if	12:43:54
9		we're continuing with our lettering system.	12:44:02
10	MR. MARGOLIS:	So QQ was used last	12:44:14
11		time in Shamash?	12:44:17
12	MS. TURNER:	Yes. Nancy and I	12:44:19
13		confirmed early this morning.	12:44:22
14	MR. MARGOLIS:	Okay, so we'll make	12:44:24
15		this RR.	12:44:26
16	MS. TURNER:	And we can call it	12:44:27
17		Conte RR, if that's easier for everyone.	12:44:34
18		(Exhibit Conte RR marked for	12:44:37
19		identification.)	12:44:41
20	Q.	Mr. Conte, if you could just take	12:44:45
21		a second and review this email and let Emil know	12:44:47
22		when he needs to scroll down.	12:44:50
23	THE WITNESS:	Scroll down please.	12:45:00
24	MR. MARGOLIS:	Why don't you start	12:45:01
25		at the bottom, Emil, and work up.	12:45:03

Transcript of F. Michael Conte

January 4, 2023

111

1	(Witness reviewing document.)	12:45:17
2	THE WITNESS: Scroll up.	12:45:19
3	(Witness reviewing document.)	12:45:44
4	THE WITNESS: You can scroll up	12:45:53
5	again. That's good. Come down a little bit.	12:45:57
6	Little more.	12:46:03
7	(Witness reviewing document.)	12:46:09
8	A. Okay, I'm good.	12:46:14
9	Q. Have you had a chance to review	12:46:16
10	the entire document, Mr. Conte?	12:46:17
11	A. Yes.	12:46:20
12	Q. Mr. Conte, do you recognize this	12:46:23
13	email chain?	12:46:26
14	A. I only recognize it because I saw	12:46:28
15	it as evidence previously. It was in one of the	12:46:31
16	packets that was given to me.	12:46:35
17	Q. But you weren't cc'd --	12:46:37
18	A. Before that I had never seen it.	12:46:40
19	Q. You weren't cc'd on this email and	12:46:43
20	it wasn't forwarded to you at the time?	12:46:46
21	A. No.	12:46:48
22	MS. TURNER: Emil, I want to focus	12:47:04
23	on just page 1, if you can zoom out so that	12:47:06
24	we're focusing on the bottom of page 1, but zoom	12:47:10
25	out so we can see the page.	12:47:13

Transcript of F. Michael Conte
January 4, 2023

112

1	Q.	Mr. Conte, the day after the	12:47:21
2		sublease application for CCMS was submitted, Ms.	12:47:28
3		Rubin emailed CCMS informing them that, "The	12:47:32
4		board members are traveling for the holidays;	12:47:40
5		the date picked is the first available to the	12:47:42
6		board. Also, this is a commercial co-op and all	12:47:44
7		approvals are tendered in writing."	12:47:47
8		What do you understand Ms. Rubin's	12:47:51
9		statement about approvals tendered in writing to	12:47:53
10		mean?	12:47:57
11		MR. MARGOLIS: Objection.	12:47:57
12	A.	I have no idea.	12:47:59
13	Q.	Do you know why Ms. Rubin would	12:48:03
14		represent that to my client?	12:48:06
15		MR. MARGOLIS: Objection.	12:48:09
16	A.	I don't know why she would	12:48:11
17		represent that.	12:48:12
18	Q.	Did Ms. Rubin ever discuss issuing	12:48:13
19		sublease approval in writing with you?	12:48:18
20	A.	No.	12:48:22
21		MS. TURNER: Emil, you can take	12:48:26
22		that document down.	12:48:28
23		Just for counsel's benefit, I only	12:48:49
24		have two more documents and then I'm also going	12:48:51
25		to circle back to the sublease application, so I	12:48:54

Transcript of F. Michael Conte

January 4, 2023

113

1	don't know if this is another good stopping	12:48:56
2	point for a break or lunch.	12:48:58
3	MR. MARGOLIS: How much total time	12:49:01
4	do you think you have, Tara? Not that you're	12:49:03
5	committed to it. I'm just trying to understand,	12:49:05
6	maybe we could avoid a lunch break. Unless, of	12:49:08
7	course, the Planet Depo people need it.	12:49:20
8	MS. TURNER: I'd say another hour.	12:49:20
9	I don't know if we want -- maybe not even be an	12:49:23
10	hour. If we want to take ten, and then we can	12:49:26
11	power through the last hour and whatever	12:49:30
12	questions you have.	12:49:32
13	MR. MARGOLIS: I think that makes	12:49:33
14	sense, if everybody else is in agreement. Let's	12:49:35
15	just take a few minutes and then see if we can	12:49:38
16	finish.	12:49:41
17	MR. CASE: Works for me.	12:49:41
18	MS. TURNER: Mr. Conte, do you	12:49:43
19	need -- I know you were trying to eat your Baby	12:49:45
20	Ruth earlier. Do you need 10, 15 minutes? What	12:49:48
21	kind of break do you need?	12:49:48
22	THE WITNESS: You know, I could	12:49:51
23	knock down three Baby Ruths in two seconds, so I	12:49:52
24	don't need that much time. But I wouldn't mind	12:49:57
25	going to the men's room and taking it from	12:49:59

Transcript of F. Michael Conte

January 4, 2023

114

1	there. Five minutes is great; ten minutes is	12:50:01
2	fantastic. Whatever you guys decide. I want to	12:50:04
3	get through this as quickly as you do, as much	12:50:08
4	as you guys do. Maybe a little more.	12:50:10
5	MS. TURNER: All right. How about	12:50:12
6	we take 10. It's 12:50. We'll come back at	12:50:13
7	one.	12:50:19
8	THE WITNESS: Thank you.	12:50:19
9	THE VIDEOGRAPHER: We're going off	12:50:21
10	the record; the time is 12:50 p.m.	12:50:27
11	(Recess taken.)	12:50:38
12	THE VIDEOGRAPHER: We're back on	01:02:54
13	record; the time is 13:03.	01:03:05
14	BY MS. TURNER:	01:03:10
15	Q. Welcome back, Mr. Conte.	01:03:11
16	MS. TURNER: Emil, could you	01:03:15
17	please pull up what was previously marked as	01:03:16
18	Exhibit KK, and it's labeled as Shamash KK in	01:03:23
19	the repository.	01:03:30
20	(Previously marked Exhibit KK was	01:03:30
21	shared at this time.)	01:03:30
22	BY MS. TURNER:	01:03:33
23	Q. Mr. Conte, I'll represent to you	01:03:33
24	and for the record that this document was used	01:03:35
25	in the deposition of Nigel Shamash, which is why	01:03:37

Transcript of F. Michael Conte

January 4, 2023

115

1	it's been previously marked as KK.	01:03:40
2	Mr. Conte, if you want to take a	01:03:55
3	second to review and let Emil know when you need	01:03:57
4	him to scroll down.	01:04:06
5	(Witness reviewing document.)	01:04:09
6	THE WITNESS: Would you scroll	01:04:48
7	down a little bit, please.	01:04:50
8	(Witness reviewing document.)	01:05:12
9	Scroll down, please. Just go to	01:05:16
10	the bottom, I think that's all boilerplate.	01:05:20
11	Okay, cool. All right, no problem.	01:05:24
12	Q. Mr. Conte, do you recognize this	01:05:30
13	document?	01:05:33
14	A. Yes.	01:05:34
15	Q. What is it?	01:05:36
16	A. It's the minutes I prepared the	01:05:39
17	next morning, I believe, which describes what	01:05:42
18	occurred.	01:05:45
19	Q. Did the minutes describe the	01:05:47
20	interview with Mr. Emory Brooks on January 14th,	01:05:51
21	2020?	01:05:55
22	A. Yes.	01:05:56
23	MS. TURNER: Emil, could you	01:06:05
24	scroll down so we can see the bottom of page 1.	01:06:07
25	Q. Mr. Conte, did you just testify	01:06:15

Transcript of F. Michael Conte

January 4, 2023

116

1	that you prepared these minutes the morning	01:06:18
2	after the interview?	01:06:22
3	A. Apparently I did it the day of,	01:06:24
4	after the meeting.	01:06:27
5	Q. Do you know for sure when you	01:06:29
6	prepared the minutes?	01:06:31
7	MR. MARGOLIS: Objection, know for	01:06:35
8	sure.	01:06:39
9	A. According to this it was the 14th,	01:06:40
10	not the next morning. I'm sorry, it was two	01:06:42
11	years ago.	01:06:45
12	MS. TURNER: Emil, if you could	01:06:47
13	scroll to the top of the email, please.	01:06:49
14	Q. Mr. Conte, do you know why this	01:06:56
15	email is undated in the heading of the email	01:06:58
16	field?	01:07:03
17	A. No.	01:07:06
18	Q. All the emails we've reviewed	01:07:10
19	previously today they've contained the date and	01:07:14
20	time they were sent.	01:07:17
21	A. Okay.	01:07:19
22	Q. Does this email contain a date or	01:07:23
23	timestamp?	01:07:26
24	A. No, it doesn't.	01:07:28
25	Q. Back at the bottom of this page,	01:07:30

Transcript of F. Michael Conte

January 4, 2023

117

1	Emil --	01:07:35
2	A. Actually, I can tell you why this	01:07:36
3	doesn't have a date stamp on it. I'll be happy	01:07:38
4	to produce the one with the date stamp, if you'd	01:07:41
5	like to know.	01:07:46
6	MS. TURNER: I'm going to call for	01:07:48
7	the production of the original email with the	01:07:49
8	date stamp.	01:07:53
9	THE WITNESS: That's fine.	01:07:54
10	Q. Mr. Conte, why does this email not	01:07:55
11	contain a date or timestamp?	01:07:57
12	A. When I was trying to get the	01:08:01
13	documents for Barry, I was having a little bit	01:08:02
14	of difficulty finding this in my sent items	01:08:09
15	because there was a blackout period for some	01:08:13
16	stupid reason. Anyway, we were able to recover	01:08:17
17	the archives and I certainly do have it. Not to	01:08:20
18	mention that I did send it to Susan and you	01:08:23
19	could check their emails to see when they	01:08:26
20	received it.	01:08:28
21	So, the fact that it doesn't have	01:08:28
22	a date stamp really doesn't mean much because	01:08:30
23	there were four people on this list and you	01:08:33
24	could look at the email on all of their	01:08:36
25	machines.	01:08:38

Transcript of F. Michael Conte

January 4, 2023

118

1 MR. MARGOLIS: Tara, just with 01:08:39
2 respect to your request, as any other request 01:08:40
3 that you made today or previously made at other 01:08:44
4 depositions, if you could just put it in writing 01:08:47
5 so that we could then review it upon receipt of 01:08:50
6 your communication and we'll review it for its 01:08:53
7 proprietary and respond accordingly. 01:08:58

8 MS. TURNER: Understood. 01:09:02

9 Q. Mr. Conte, I'm going to ask you 01:09:04
10 again, are you absolutely sure you know when you 01:09:07
11 prepared this email? 01:09:09

12 MR. MARGOLIS: Objection. 01:09:11

13 A. Am I absolutely sure when I 01:09:13
14 prepared this email? Apparently I prepared it 01:09:15
15 on January 14th. That's when I signed it. 01:09:17

16 Q. But do you know for a fact that 01:09:21
17 you prepared it on January 14th, 2020, or are 01:09:23
18 you relying on the signature at the bottom of 01:09:27
19 the email? 01:09:30

20 MR. MARGOLIS: Objection. 01:09:30

21 A. I may have prepared it on the 14th 01:09:38
22 and I didn't email it until the next morning, 01:09:40
23 but that's probably the extent of it. 01:09:44

24 Q. In any event, the meeting minutes 01:09:47
25 were prepared within a few days of the interview 01:09:50

Transcript of F. Michael Conte
January 4, 2023

119

1	with Mr. Emory Brooks?	01:09:53
2	MR. MARGOLIS: Objection.	01:09:55
3	A. The minutes were prepared -- the	01:09:57
4	minutes were prepared after the interview with	01:09:59
5	Emory Brooks because some of the comments in	01:10:02
6	there I would have no way of knowing unless we	01:10:04
7	interviewed him.	01:10:06
8	Q. Mr. Conte, why did you --	01:10:10
9	actually, can you identify the recipient of the	01:10:15
10	Marc@HandHeldFilms.com email address?	01:10:22
11	A. Yeah, that would be Marc Paturet.	01:10:26
12	Q. Why did you send a copy of the	01:10:28
13	minutes to Mr. Paturet?	01:10:30
14	A. Because he's the president, right?	01:10:32
15	Q. Did Mr. Paturet request that you	01:10:35
16	send him a copy of the minutes?	01:10:39
17	A. No.	01:10:41
18	Q. Did Mr. Paturet ever respond to	01:10:43
19	your email with the minutes?	01:10:47
20	A. No. No.	01:10:48
21	Q. Did Mr. Paturet ever follow up	01:10:49
22	about the result of the board vote on sublease	01:10:51
23	approval?	01:10:57
24	A. No.	01:11:00
25	Q. Mr. Conte, if you could please	01:11:20

Transcript of F. Michael Conte

January 4, 2023

120

1	read aloud the fourth full paragraph for the	01:11:22
2	record.	01:11:27
3	MR. MARGOLIS: Starting with	01:11:29
4	"Mr. Brooks"?	01:11:30
5	MS. TURNER: Yes, please.	01:11:32
6	A. "Mr. Brooks confirmed that there	01:11:33
7	would be 12 therapists on staff and would see	01:11:34
8	about 50 patients a day, mostly children who	01:11:37
9	would be accompanied by their caregiver. He	01:11:39
10	also mentioned that this would be only one	01:11:42
11	aspect of the patients viewed."	01:11:47
12	Q. Mr. Conte, was that description,	01:11:54
13	was your description consistent with the	01:11:56
14	description in the sublease application that we	01:11:59
15	looked at earlier?	01:12:02
16	MR. MARGOLIS: Objection.	01:12:04
17	A. This description is consistent	01:12:07
18	with the sublease application, but it's not	01:12:09
19	consistent with what we were told that the	01:12:12
20	tenant would be by Nigel Shamash.	01:12:17
21	Q. Mr. Conte, was this consistent	01:12:23
22	with Mr. Emory Brooks' explanation as the use of	01:12:25
23	the premise?	01:12:30
24	A. This was consistent with the	01:12:32
25	application that Mr. Brooks provided, but it was	01:12:34

Transcript of F. Michael Conte
January 4, 2023

121

1	not consistent with what Nigel represented this	01:12:36
2	tenant to be.	01:12:41
3	Q. Understood. I'm sorry; I should	01:12:43
4	have clarified.	01:12:46
5	Is your description in this email	01:12:47
6	consistent with what Mr. Brooks represented at	01:12:50
7	the January 14th, 2020 interview regarding the	01:12:53
8	number of therapists and patients that would use	01:12:57
9	the eighth floor daily?	01:13:01
10	A. This description is what	01:13:06
11	Mr. Brooks said it -- this description is	01:13:07
12	consistent with the description in the	01:13:13
13	application that Mr. Brooks provided, but not	01:13:18
14	with the image that we were presented to by	01:13:21
15	Nigel Shamash. The inconsistency is between the	01:13:27
16	two.	01:13:30
17	Q. I understand. I'm focused on what	01:13:30
18	Mr. Brooks orally represented at the January	01:13:32
19	14th, 2020 interview and the minutes you took	01:13:37
20	following the interview.	01:13:43
21	Did Mr. Brooks at the interview	01:13:48
22	orally represent that 12 therapists would be on	01:13:50
23	staff daily and CCMS would see 50 patients a	01:13:52
24	day?	01:13:56
25	A. I think I answered this three	01:14:00

Transcript of F. Michael Conte
January 4, 2023

122

1	times previously.	01:14:01
2	Q. Mr. Conte, I'm not sure how else	01:14:16
3	to rephrase. I'm just confirming that your	01:14:19
4	notes are consistent with what Mr. Brooks orally	01:14:22
5	represented at the interview. That's all I'm	01:14:25
6	asking for, is whether those two things are	01:14:28
7	consistent.	01:14:31
8	MR. MARGOLIS: Object.	01:14:32
9	A. Yes, they are consistent.	01:14:33
10	Q. Thank you.	01:14:35
11	A. But the inconsistency is what	01:14:45
12	Nigel Shamash presented his applicant to be, and	01:14:47
13	that's where the problem lies. And I don't know	01:14:50
14	why we're ignoring that.	01:14:53
15	Q. I understand, Mr. Conte. We're	01:14:56
16	just focused on this one paragraph. I'm just	01:14:58
17	trying to make sure that what you heard at the	01:15:01
18	interview is what you accurately recorded.	01:15:04
19	MS. TURNER: Emil, could you	01:15:10
20	scroll down so that we can see the last two	01:15:11
21	paragraphs, both of which start with "Those in	01:15:17
22	attendance."	01:15:21
23	Mr. Conte, could you read both of	01:15:22
24	those paragraphs out loud for the record	01:15:25
25	starting with "Those in attendance deliberated."	01:15:29

Transcript of F. Michael Conte
January 4, 2023

123

1	A.	"Those in attendance deliberated	01:15:33
2		and reviewed and reiterated that this firm was	01:15:35
3		not simply operating as an administrative office	01:15:37
4		as we were told, but as an outpatient clinic as	01:15:40
5		described in their application for tenancy.	01:15:43
6		(Attached).	01:15:46
7		"Those in attendance voted	01:15:46
8		unanimously not to approve this application.	01:15:48
9		(Nigel Shamash voted not to approve this	01:15:53
10		application as well)."	01:15:56
11	Q.	Thank you.	01:16:05
12		Mr. Conte, again, was Mr. Brooks'	01:16:06
13		representation of the services CCMS intended to	01:16:09
14		provide consistent with the sublease application	01:16:14
15		which identified it as an outpatient clinic?	01:16:17
16		MR. MARGOLIS: Objection.	01:16:21
17		MR. CASE: Same objection.	01:16:27
18	A.	Mr. Brooks' representation was	01:16:30
19		what he filled out on the application, yes.	01:16:31
20	Q.	Thank you.	01:16:40
21		Mr. Conte, given the discrepancy	01:16:40
22		between Nigel Shamash's description of CCMS's	01:16:44
23		services and the sublease application, why did	01:16:52
24		the board go forward with the sublease	01:16:54
25		interview?	01:16:57

Transcript of F. Michael Conte

January 4, 2023

124

1	MR. MARGOLIS: Objection. Asked	01:16:58
2	and answered.	01:16:59
3	MR. CASE: Asked and answered.	01:17:01
4	THE WITNESS: Sorry. Am I	01:17:11
5	answering?	01:17:12
6	MR. MARGOLIS: Do you want Nancy	01:17:12
7	to find it in the testimony?	01:17:14
8	THE WITNESS: Yeah, that would be	01:17:16
9	great. That would be great, because I know I	01:17:17
10	answered. This was asked and I answered it	01:17:18
11	already.	01:17:22
12	MR. MARGOLIS: Tara, do you want	01:17:23
13	Nancy to find it?	01:17:25
14	MS. TURNER: I can look.	01:17:26
15	Q. Mr. Conte, I'll read, or we can	01:17:44
16	have Nancy read it, it's at timestamp 12:31:54	01:17:46
17	is Mr. Conte's response, if you can read it back	01:17:52
18	for him.	01:17:55
19	(The following question and answer	01:18:53
20	was read by the Reporter:	
21	"Question: Given the number of	
22	employees and visitors stated in the	
23	application, why did the board go forward with	
24	the interview?	
25	"Answer: We were asked to	

Transcript of F. Michael Conte

January 4, 2023

125

1 interview Mr. Brooks. Maybe he didn't represent
2 this properly, I don't know. I don't think we
3 had a discussion as to should we go forward or
4 not go forward. We just set the meeting.")

01:20:19

5 Q. Mr. Conte, do you want to add
6 anything to your original response?

01:18:55

01:18:57

7 A. No, I think that sums it up.

01:18:59

8 Q. So even though you understood
9 there were inconsistencies between Mr. Shamash's
10 description and the sublease application, you
11 decided to go forward with the interview anyway?

01:19:05

01:19:07

01:19:11

01:19:12

12 A. I think the board decided to go
13 forward with the interview, yes.

01:19:26

01:19:28

14 Q. At the January 14th, 2020 -- go
15 ahead.

01:19:30

01:19:33

16 A. No, I'm sorry. I didn't mean to
17 interrupt.

01:19:35

01:19:37

18 Q. At the January 14th, 2020
19 interview, did anyone ask Mr. Brooks about the
20 inconsistency between Mr. Shamash's description
21 and the sublease application?

01:19:41

01:19:43

01:19:48

01:19:51

22 A. Not that I'm aware of.

01:19:55

23 Q. Mr. Conte, do you know if anyone
24 from Oxford received a copy of this email with
25 the meeting minutes?

01:20:09

01:20:11

01:20:16

Transcript of F. Michael Conte

January 4, 2023

126

1	A.	I would imagine that Susan shared	01:20:19
2		it. I don't know. I don't know.	01:20:27
3	Q.	Did Mr. Shamash ever request a	01:20:28
4		copy of the meeting minutes from you directly?	01:20:30
5	A.	No.	01:20:33
6		MS. TURNER: Emil, I'm finished	01:20:56
7		with this document. If you could pull up what	01:20:58
8		is a new document that has not been marked in	01:21:02
9		any prior deposition and is labeled in the	01:21:05
10		repository as document 3. I'm going to mark	01:21:07
11		this exhibit as Conte SS.	01:21:16
12		(Exhibit Conte SS marked for	01:21:28
13		identification.)	01:21:31
14	Q.	Mr. Conte, do you want to take a	01:21:38
15		minute to review this document and let Emil know	01:21:40
16		when he should scroll down. It's kind of	01:21:43
17		lengthy.	01:21:46
18	A.	Sure.	01:21:46
19	Q.	Well, it's three pages but thick	01:21:47
20		text.	01:21:49
21		(Witness reviewing document.)	01:21:51
22		MR. MARGOLIS: Tara, while	01:22:17
23		Mr. Conte is reviewing that, you clearly	01:22:18
24		extracted that from something that we had	01:22:21
25		produced. It's three pages of a much larger	01:22:24

Transcript of F. Michael Conte

January 4, 2023

127

1	document because it starts on page 34 and you've	01:22:28
2	only excerpted 34 to 36. So you might want to	01:22:33
3	put on the record what this is part of.	01:22:37
4	MS. TURNER: Sure.	01:22:42
5	Q. I'll represent to you, Mr. Conte,	01:22:46
6	that this was produced by the co-op and is part	01:22:48
7	of the -- included with the packet of bylaws	01:22:53
8	governing the co-op and the -- I believe it's	01:23:00
9	the Articles of Incorporation as well. They're	01:23:07
10	included with this. There are quite a few	01:23:09
11	documents in a roughly 200-page packet.	01:23:12
12	MR. MARGOLIS: I'm going to look	01:23:15
13	these up so that we can, for the record, make it	01:23:18
14	clear what this is because it's not clear to me	01:23:21
15	what this is.	01:23:25
16	MR. CASE: Thank you, Barry. I	01:23:33
17	would be interested in knowing that as well.	01:23:35
18	MS. TURNER: I can resend the full	01:23:37
19	document.	01:23:38
20	MR. MARGOLIS: No, no. I'll find	01:23:39
21	it in the production.	01:23:41
22	MS. TURNER: Barry, I believe the	01:24:49
23	entire document begins at Bates number COOP0364.	01:24:51
24	MR. MARGOLIS: Yeah, these look	01:24:58
25	like pieces of the offering plan. So...	01:25:00

Transcript of F. Michael Conte

January 4, 2023

128

1	THE WITNESS: Scroll down, please.	01:25:22
2	(Witness reviewing document.)	01:25:24
3	MR. MARGOLIS: If you look at 359	01:25:50
4	is where this document begins. It's part of the	01:25:54
5	co-op offering plan.	01:25:58
6	THE WITNESS: Emil, could you just	01:26:05
7	go the other way a little bit. Need the top of	01:26:07
8	that page. Little more. That's good.	01:26:11
9	(Witness reviewing document.)	01:26:14
10	THE WITNESS: Okay, I'm good.	01:26:57
11	Q. Mr. Conte, do you recognize this	01:26:58
12	document?	01:27:01
13	MR. MARGOLIS: Objection. It's	01:27:01
14	not a document. It's three pages from the	01:27:02
15	offering plan.	01:27:04
16	MR. CASE: I join.	01:27:08
17	A. I've seen it before, yes.	01:27:15
18	Q. Mr. Conte, when had you seen this	01:27:17
19	portion of the offering memorandum before?	01:27:21
20	MR. MARGOLIS: Objection.	01:27:24
21	A. I couldn't put a date on it.	01:27:30
22	Q. Sometime in the last five years?	01:27:34
23	MR. MARGOLIS: Objection.	01:27:37
24	A. I couldn't put a date on it.	01:27:38
25	Q. Okay. Actually, if you could just	01:27:40

Transcript of F. Michael Conte
January 4, 2023

129

1	read aloud the title of this portion of the	01:27:45
2	offering memorandum here at the top of page 1.	01:27:49
3	MR. MARGOLIS: It's the offering	01:27:59
4	plan, not the offering memorandum.	01:28:00
5	MS. TURNER: Sorry. The offering	01:28:02
6	plan.	01:28:03
7	A. "Persons interested in obtaining	01:28:04
8	such financing should communicate directly with	01:28:05
9	the lender of their preference." Next line	01:28:08
10	reads, "Summary of principal terms of	01:28:11
11	proprietary lease."	01:28:13
12	Q. Thank you. And we're going to	01:28:15
13	focus on page 2, the top of page 2.	01:28:16
14	MR. MARGOLIS: You mean page 35?	01:28:24
15	You mean page 2 of the PDF?	01:28:26
16	MS. TURNER: Page 2 of the PDF,	01:28:29
17	yes.	01:28:31
18	MR. CASE: Just for the record,	01:28:32
19	that page is page 35 on the exhibit or, more	01:28:33
20	accurately, Bates reference is COOP0398.	01:28:41
21	MS. TURNER: Emil, if you could	01:28:49
22	also just show the portion of the bottom of page	01:28:51
23	1 as well. Page 1 of the PDF which is COOP0397,	01:28:54
24	which is 34 of the offering plan.	01:28:59
25	Q. Mr. Conte, this portion of the	01:29:08

Transcript of F. Michael Conte

January 4, 2023

130

1	offering plan states, "He may not sell his	01:29:14
2	shares or assign his proprietary lease, nor	01:29:18
3	sublet the unit, without first obtaining the	01:29:21
4	consent of the Board of Directors as provided in	01:29:23
5	the proprietary lease, which consent may not be	01:29:25
6	unreasonably withheld or, if the board shall	01:29:28
7	have failed or refused to give its consent, by	01:29:31
8	written consent or vote of shareholders owning	01:29:34
9	at least 65 percent of the cooperative	01:29:37
10	corporation's outstanding shares. Refusal to	01:29:39
11	give such consent may not be based upon race,	01:29:44
12	color, creed, national origin, sex, age,	01:29:47
13	disability," I believe that should say marital	01:29:50
14	but it's misspelled, "marital status or other	01:29:53
15	grounds proscribed by law."	01:29:58
16	Mr. Conte, have you ever reviewed	01:30:00
17	this portion of the offering plan?	01:30:03
18	A. I'm sure. I've reviewed it now of	01:30:12
19	course and I'm sure I reviewed it in the past.	01:30:15
20	Q. What do you understand the section	01:30:18
21	that I just read aloud to mean?	01:30:22
22	MR. MARGOLIS: Objection.	01:30:25
23	MR. CASE: Same objection.	01:30:26
24	A. I take it for what it says.	01:30:28
25	Q. Do you understand that it means	01:30:32

Transcript of F. Michael Conte
January 4, 2023

131

1	board members cannot unreasonably withhold their	01:30:34
2	consent to sublease floors?	01:30:36
3	A. Um-hum, absolutely.	01:30:40
4	Q. Do you understand it to mean that	01:30:43
5	board members cannot withhold consent or give	01:30:45
6	consent based on race, color, creed, national	01:30:49
7	origin, sex, age, disability, marital status or	01:30:53
8	other grounds proscribed by law?	01:30:57
9	A. Absolutely.	01:31:01
10	Q. Mr. Conte, can you describe what	01:31:05
11	steps the Board has taken to make sure it	01:31:08
12	doesn't withhold consent based on race?	01:31:14
13	MR. MARGOLIS: Objection.	01:31:18
14	MR. CASE: Same objection.	01:31:21
15	A. Would you ask me that again. I'm	01:31:29
16	not sure what you're asking me.	01:31:30
17	Q. Sure. Can you describe what	01:31:32
18	affirmative steps Board members have taken to	01:31:34
19	make sure they do not refuse a sublease	01:31:40
20	applicant based upon race?	01:31:44
21	MR. MARGOLIS: Objection.	01:31:49
22	A. We're all reasonable people. We	01:31:52
23	have a vested interest in having that floor	01:31:54
24	rented out. We would like to get the income for	01:31:57
25	our building. We don't sit around and say,	01:31:59

Transcript of F. Michael Conte
January 4, 2023

132

1 well, we're not going to let this guy in or that
2 young lady in or this or that. We're pragmatic.
3 We need to have a business that fits in with the
4 flavor of our building. This is a low use
5 building. The application that was before us
6 was not a low use applicant, and all the
7 documents that I've received, that I've looked
8 at previously, it's very clear that the people
9 who brought this applicant to the table knew
10 that this would not fit here. It's not the type
11 of use that we're accustomed to.

01:32:02
01:32:04
01:32:07
01:32:11
01:32:13
01:32:16
01:32:21
01:32:24
01:32:28
01:32:32
01:32:35

12 So what we do is we look at things
13 with a fair and open mind to see if it is
14 something that would fit into the building.
15 That's how we look at it.

01:32:40
01:32:43
01:32:45
01:32:47

16 Q. Mr. Conte, does the co-op have a
17 formal anti-discrimination policy?

01:32:53
01:32:59

18 A. I believe it's right here. I
19 believe this is our formal anti-discrimination
20 policy. Why wouldn't it be?

01:33:02
01:33:06
01:33:09

21 Q. Mr. Conte, are board members --

01:33:20

22 (Phone ringing.)

01:33:32

23 MR. MARGOLIS: Sorry.

01:33:32

24 Q. Mr. Conte, are potential board
25 members, so individuals who volunteer to be

01:33:32
01:33:37

Transcript of F. Michael Conte

January 4, 2023

133

1	board members, are they vetted or interviewed by	01:33:41
2	the co-op, anyone at the co-op?	01:33:45
3	MR. MARGOLIS: Objection.	01:33:49
4	A. We have six owners at this point	01:33:54
5	owning 12 floors. We have five positions on the	01:33:57
6	Board of Directors. It's not like we have --	01:34:03
7	you know, it's not a vetting process. It's kind	01:34:08
8	of like who wants to do it or who doesn't want	01:34:11
9	to do it. We don't have that many people to	01:34:13
10	choose from.	01:34:17
11	Q. So there's no process to determine	01:34:19
12	whether a potential board member might have a	01:34:25
13	bias or might intend to discriminate.	01:34:31
14	MR. MARGOLIS: Objection.	01:34:39
15	MR. CASE: I join.	01:34:40
16	A. We go into this world with our	01:34:45
17	eyes open and the fact that we take people as	01:34:48
18	who they are and what they do, not necessarily	01:34:50
19	what they look like. But in this board we have	01:34:52
20	six people who owned 12 floors. I don't know	01:34:57
21	what we're going to do if somebody resigns right	01:35:03
22	now. We'll have to reduce the number of Board	01:35:05
23	of Directors. We don't have 40 people coming,	01:35:08
24	begging to be on the board. It's just not that	01:35:13
25	kind of building. It's a small, quiet building.	01:35:16

Transcript of F. Michael Conte
January 4, 2023

134

1	Everyone who is here, with the exception of 7	01:35:21
2	and 8, runs their business on their own floor	01:35:23
3	and wants to do that in a peaceful, cooperative	01:35:27
4	environment.	01:35:34
5	Q. Mr. Conte, do board members	01:35:34
6	familiarize themselves with local, state or	01:35:37
7	federal laws about discrimination?	01:35:40
8	A. I think everyone today is aware of	01:35:46
9	laws revolving around discrimination. Do board	01:35:48
10	members do that -- do we have -- if you're	01:35:52
11	asking me do we have some kind of -- I don't	01:35:55
12	know, no. Everyone today is aware of	01:35:58
13	discrimination issues. I don't know anyone that	01:36:00
14	isn't who runs a business. And all these people	01:36:07
15	on the board run businesses.	01:36:09
16	Q. But there's no requirement for	01:36:12
17	board members to review local, state or federal	01:36:14
18	laws about discrimination?	01:36:17
19	MR. CASE: Objection.	01:36:21
20	MR. MARGOLIS: Objection.	01:36:23
21	A. I don't know that there is any	01:36:25
22	requirement anywhere for board members to review	01:36:27
23	that.	01:36:30
24	Q. But there's no requirement here?	01:36:31
25	MR. CASE: Same objection.	01:36:34

Transcript of F. Michael Conte

January 4, 2023

135

1	Q.	If you know.	01:36:36
2		MR. MARGOLIS: Objection.	01:36:37
3	A.	There is no requirement here, but	01:36:38
4		we do live by a proprietary lease.	01:36:40
5	Q.	Mr. Conte --	01:36:45
6	A.	Quite frankly, our board is	01:36:47
7		very di -- our board is -- we have all kinds	01:36:49
8		of -- I mean, whatever. Go ahead, I'm sorry. I	01:36:53
9		didn't mean to interrupt you.	01:36:53
10	Q.	Mr. Conte, were you going to say	01:36:55
11		that your board is very diverse?	01:36:57
12		MR. MARGOLIS: Objection.	01:37:01
13	A.	No, I wasn't going to say that. I	01:37:02
14		wasn't going to say that.	01:37:05
15	Q.	Mr. Conte, has the board ever	01:37:12
16		considered conducting interviews for sublease	01:37:15
17		approval over the phone?	01:37:19
18	A.	No.	01:37:29
19	Q.	If the board were to conduct	01:37:33
20		sublease interviews over the phone, would that	01:37:35
21		help prevent discrimination based on physical	01:37:41
22		characteristics like race, color, perhaps	01:37:45
23		national origin?	01:37:48
24		MR. MARGOLIS: Objection.	01:37:50
25	A.	I don't know what you're asking	01:37:54

Transcript of F. Michael Conte

January 4, 2023

136

1 me. If you're asking me was this application
2 consistent with what we were told it was going
3 to be, I'm telling you it was not. It's clear
4 as the day is long, what we were told this
5 applicant was going to be and how he was going
6 to use it was not what he himself testified that
7 it would be used as.

8 So I don't know why you're going
9 down this road. The evidence is right there.

10 Q. I'm asking if your co-op could
11 adopt policies like conducting sublease
12 interviews over the phone so as to eliminate
13 potential discrimination and bias based on race,
14 color and national origin? Is that something
15 the co-op could do?

16 MR. MARGOLIS: Objection.

17 MR. CASE: Same objection. Calls
18 for speculation.

19 A. We don't discriminate now, and
20 it's not a problem for us to concern ourselves
21 with because we don't discriminate. We take
22 people as we're told, as they represent
23 themselves to be. Mr. Brooks clearly identified
24 himself as the application was put forth. The
25 problem in this matter is that the owner of the

01:37:57
01:37:59
01:38:03
01:38:06
01:38:09
01:38:12
01:38:16
01:38:19
01:38:21
01:38:26
01:38:30
01:38:35
01:38:39
01:38:44
01:38:47
01:38:48
01:38:49
01:38:52
01:38:54
01:38:58
01:39:03
01:39:05
01:39:08
01:39:12
01:39:16

Transcript of F. Michael Conte

January 4, 2023

137

1 floor misrepresented who he was bringing to the 01:39:19
2 meeting. As a result, there were 01:39:23
3 inconsistencies with the application and how it 01:39:25
4 was presented to us. 01:39:28

5 Many of those inconsistencies were 01:39:30
6 clearly identified: the hours of operation, the 01:39:33
7 day of operation, the use of the floor. It's 01:39:37
8 all in writing and you keep asking me these 01:39:40
9 questions. I -- nothing to say. 01:39:46

10 Q. Mr. Conte, do you know for a fact 01:39:51
11 that the other board members voted against the 01:39:58
12 lease based solely on the amount of traffic in 01:40:02
13 the building? Do you know for a fact? 01:40:06

14 A. Absolutely. 01:40:12

15 Q. You can reach into their minds and 01:40:12
16 know their reasoning for making a decision? 01:40:14

17 MR. MARGOLIS: Objection. 01:40:17

18 MR. CASE: Objection. 01:40:18

19 MR. MARGOLIS: (Indiscernible) -- 01:40:20
20 that question. 01:40:20

21 A. We had a discussion after the 01:40:21
22 interview with Mr. Brooks and the points that we 01:40:23
23 discussed were those exact points: traffic, the 01:40:28
24 use and the fact that it just didn't fit in our 01:40:33
25 building. We discussed it. There's no reaching 01:40:37

Transcript of F. Michael Conte

January 4, 2023

138

1 into anyone's mind. 01:40:41

2 Q. Mr. Conte, is it possible for 01:40:42
3 someone to make a decision and discriminate 01:40:45
4 based on race but not express that that's the 01:40:49
5 reason they've made a decision? 01:40:52

6 MR. MARGOLIS: Objection; it calls 01:40:54
7 for speculation. 01:40:56

8 MR. CASE: Same objection. 01:40:58

9 A. You know, everyone in this 01:41:01
10 building runs a business where they're dealing 01:41:03
11 with all kinds of races all day long, all kinds 01:41:05
12 of people. It's just part of what we do here. 01:41:09
13 We're business people. We're not here to 01:41:11
14 discriminate. We're hear to make business. And 01:41:13
15 the question that you're asking me is kind of 01:41:17
16 ridiculous because you're asking me -- I don't 01:41:19
17 even know what you're asking me. It's some 01:41:22
18 existential question that we probably need four 01:41:26
19 or five philosophers to sit around this table 01:41:28
20 and discuss. If you want to have a 01:41:31
21 philosophical conversation, I'll be happy to 01:41:34
22 meet you any time, but I don't even understand 01:41:37
23 your question. In the world can people do that? 01:41:38
24 Sure, somewhere in the world people can do that, 01:41:40
25 yes, absolutely. Did I do that? No, I did not 01:41:43

Transcript of F. Michael Conte
January 4, 2023

139

1 do that. I made my decision based on the fact
2 that the operation that was presented to us was
3 not something that would fit in this building.

4 So, that's what I said then,
5 that's what I say now and that's what I'll go to
6 my grave with.

7 Q. I understand --

8 A. It's very upsetting, by the way,
9 to be called -- it's very upsetting to be called
10 a racist. It's not exactly how I was brought
11 up, so this is very emotional for me and I don't
12 appreciate it.

13 Q. I'd like the record to reflect
14 that I haven't called anyone a racist.

15 A. Yeah, you did.

16 MS. TURNER: Nancy, could you find
17 the timestamp when I called someone a racist.

18 MR. MARGOLIS: No, I don't think
19 it's productive for us to get into a debate
20 between you, Tara, and the witness. If the
21 witness feels that you called him a racist,
22 whether it's reflected in those words or
23 otherwise, that's the witness's impression of
24 the questions that you are asking. And I think
25 we can move on.

01:41:46
01:41:48
01:41:51
01:41:53
01:41:55
01:41:58
01:41:58
01:42:00
01:42:02
01:42:04
01:42:07
01:42:11
01:42:12
01:42:13
01:42:16
01:42:20
01:42:22
01:42:26
01:42:27
01:42:30
01:42:34
01:42:36
01:42:38
01:42:40
01:42:43

Transcript of F. Michael Conte

January 4, 2023

140

1 That's the nature of this case, 01:42:45
2 Tara. That's the motivation behind this case, 01:42:46
3 so we have to deal with it. As you started your 01:42:49
4 instructions, it being a very sensitive topic, 01:42:52
5 everybody has to be able to address those issues 01:42:57
6 the way they feel appropriate to respond to the 01:43:00
7 questions. So, it is what it is. 01:43:03

8 MS. TURNER: I appreciate your 01:43:06
9 statement, Barry, but Mr. Conte did not testify 01:43:08
10 that he felt like I called him a racist. He 01:43:12
11 testified that I called him a racist, and I 01:43:14
12 think it's perfectly within my rights as an 01:43:17
13 anti-racist to let the record reflect that I 01:43:20
14 never once called Mr. Conte a racist. 01:43:23

15 MR. MARGOLIS: This isn't about 01:43:27
16 you as a person, and the witness is responding 01:43:30
17 to your questions accordingly. 01:43:31

18 So, if you have another question, 01:43:33
19 I suggest you ask it of Mr. Conte so we can move 01:43:35
20 forward with the lawsuit and not about you, 01:43:39
21 because that's not what this is about. 01:43:43

22 MS. TURNER: Understood. I just 01:43:44
23 want the record to reflect that Mr. Conte lied 01:43:46
24 in his response that I called him a racist. 01:43:50

25 MR. MARGOLIS: He didn't lie. 01:43:53

Transcript of F. Michael Conte
January 4, 2023

141

1	MS. TURNER: Moving on.	01:43:55
2	BY MS. TURNER:	01:43:57
3	Q. Mr. Conte, do board members	01:44:01
4	complete any training on anti-discrimination?	01:44:04
5	A. We do not have that kind of	01:44:11
6	program in place.	01:44:13
7	Q. And, Mr. Conte, is there a process	01:44:16
8	to appeal a board decision if an applicant	01:44:19
9	believes it could be based on racial	01:44:25
10	discrimination?	01:44:27
11	A. No, not that I'm aware of. I	01:44:32
12	guess this is his appeal, right.	01:44:42
13	(Reporter clarification.)	01:44:55
14	Q. Mr. Conte, so we've kind of	01:44:55
15	talked, I've asked questions about procedures or	01:44:59
16	policies that could help prevent discrimination.	01:45:03
17	How are we supposed to know that none of the	01:45:10
18	board members discriminated against CCMS or	01:45:13
19	Mr. Brooks?	01:45:17
20	MR. MARGOLIS: Objection.	01:45:19
21	A. Because the evidence that's	01:45:21
22	presented here today explains why the decision	01:45:22
23	was made not to let the business in the	01:45:25
24	building. It had nothing to do with race. It	01:45:27
25	had only to do with the operations that he was	01:45:29

Transcript of F. Michael Conte

January 4, 2023

142

1	bringing into the building. It's very plain and	01:45:33
2	simple.	01:45:35
3	MS. TURNER: That is all I have	01:45:44
4	for now.	01:45:46
5	Emil, you can take this document	01:45:47
6	down. Thank you.	01:45:50
7	THE VIDEOGRAPHER: Is there	01:46:02
8	anything else for the record?	01:46:03
9	MR. MARGOLIS: Michael, do you	01:46:03
10	have anything?	01:46:05
11	MR. CASE: Just a few quick	01:46:05
12	questions. How about you, Barry?	01:46:07
13	MR. MARGOLIS: I don't have	01:46:09
14	anything for the witness.	01:46:09
15	- - -	01:46:12
16	EXAMINATION BY MR. CASE:	01:46:12
17	Q. Hello, Mr. Conte. My name is	01:46:13
18	Michael Case. I'm with the Barclay Damon law	01:46:15
19	firm. We're representing Marc Paturet in	01:46:20
20	connection with this case. I just have a few	01:46:23
21	quick questions for you.	01:46:25
22	Prior to January 14th of 2020, did	01:46:27
23	you communicate with Mr. Paturet regarding the	01:46:31
24	sublease application by CCMS, either by phone,	01:46:33
25	in person or by email?	01:46:38

Transcript of F. Michael Conte
January 4, 2023

143

1	A.	No. He was out of town.	01:46:42
2	Q.	Did you communicate prior to	01:46:44
3		January the 14th of 2020 with Mr. Paturet	01:46:46
4		regarding the sublease application by CCMS in	01:46:50
5		any other manner?	01:46:55
6	A.	No.	01:46:57
7	Q.	Okay. Did you, as a board member,	01:46:57
8		receive or hold any proxy for Mr. Paturet in	01:47:01
9		connection with the sublease application by	01:47:06
10		CCMS?	01:47:09
11	A.	No.	01:47:10
12	Q.	Was Mr. Paturet's vote required in	01:47:14
13		order for the board to act on January 14th, 2020	01:47:16
14		regarding the sublease application by CCMS?	01:47:19
15	A.	No. We did have quorum.	01:47:24
16	Q.	Did Mr. Paturet in fact vote on	01:47:26
17		the sublease application by CCMS?	01:47:28
18	A.	No. He wasn't here.	01:47:31
19	Q.	Okay. Did you at any time discuss	01:47:33
20		with Mr. Paturet the reasons for the board's	01:47:36
21		determination to deny the sublease application	01:47:39
22		of CCMS?	01:47:42
23	A.	No. It was clear; they didn't fit	01:47:45
24		into the building. There was really nothing to	01:47:47
25		discuss.	01:47:49

Transcript of F. Michael Conte

January 4, 2023

144

1	MR. CASE: Okay. Thank you. I	01:47:50
2	have no further questions.	01:47:51
3	MR. MARGOLIS: Unless you have	01:47:54
4	something else, Tara, we have nothing else.	01:47:55
5	MS. TURNER: Nothing from me.	01:47:58
6	MR. CASE: Thanks for your time,	01:48:00
7	Mr. Conte.	01:48:01
8	MR. TURNER: Thank you, Mr. Conte.	01:48:01
9	MR. MARGOLIS: Thank you,	01:48:01
10	Mr. Conte.	01:48:02
11	THE WITNESS: Thank you everyone.	01:48:04
12	THE VIDEOGRAPHER: This marks the	01:48:05
13	end of the deposition of Michael Conte. We're	01:48:07
14	going off the video record at 13:48.	01:48:08
15	(Deposition concluded 1:48 p.m.)	
16	-o0o-	

17
18
19
20
21
22
23
24
25

Transcript of F. Michael Conte
January 4, 2023


145

1 REPORTER'S CERTIFICATION

2
3 I, NANCY C. BENDISH, Certified
4 Court Reporter and Notary Public of the States
5 of New York and New Jersey, do hereby certify
6 that, prior to the commencement of the
7 aforementioned examination, F. MICHAEL CONTE
8 was sworn by me to testify the truth, the whole
9 truth and nothing but the truth.

10 I DO FURTHER CERTIFY that the
11 foregoing is a true and accurate transcript of
12 the testimony as taken stenographically by me at
13 the time, place, and on the date hereinbefore
14 set forth.

15 I DO FURTHER CERTIFY that I am
16 neither a relative nor employee nor attorney nor
17 counsel of any party in this action and that I
18 am neither a relative nor employee of such
19 attorney or counsel, and that I am not
20 financially interested in the event nor outcome
21 of this action.

22 
23 NANCY C. BENDISH, CCR, RMR, CRR
24 Realtime Systems Administrator
Certificate No. XI00836

25 Dated: January 5, 2023

Transcript of F. Michael Conte

January 4, 2023

146

A			
abatement	33:14, 35:21,	actually	14:14, 15:17,
12:9, 12:11	37:13, 45:6,	21:8, 22:4,	27:2, 27:6,
able	100:8, 118:10,	29:14, 44:22,	27:9, 30:21,
12:20, 72:2,	118:13, 131:3,	52:5, 67:10,	37:8, 38:10,
117:16, 140:5	131:9, 137:14,	96:6, 117:2,	38:24, 39:8,
about	138:25	119:9, 128:25	39:23, 41:4,
7:12, 7:24,	abuse	add	43:14, 43:17,
9:9, 9:12, 10:8,	80:17	29:12, 76:15,	45:1, 45:20,
11:4, 16:3,	accent	84:20, 84:24,	47:6, 52:1,
16:20, 17:1,	27:1, 27:6	85:7, 101:8,	61:5, 72:15,
17:5, 17:9,	accompanied	125:5	77:6, 82:16,
20:11, 24:20,	79:11, 82:25,	addict	85:5, 86:21,
24:24, 25:15,	120:9	80:12, 80:15	89:10, 99:15,
26:10, 26:14,	accord	addicts	109:4, 111:5,
27:4, 28:19,	79:13	79:8, 80:9	118:10, 123:12,
28:21, 29:4,	according	additional	131:15
30:21, 30:24,	87:11, 107:16,	84:18	against
36:25, 38:11,	109:23, 116:9	address	12:5, 12:20,
42:10, 47:13,	accordingly	119:10, 140:5	13:6, 42:9,
52:22, 54:5,	118:7, 140:17	addressed	42:11, 42:14,
55:11, 58:17,	account	107:20	42:18, 43:19,
58:24, 59:24,	12:18	administrative	45:1, 64:20,
63:15, 64:3,	accountant	85:23, 123:3	83:14, 84:1,
66:20, 67:4,	12:2, 86:8	administrator	86:22, 137:11,
67:14, 72:17,	accurate	145:25	141:18
73:18, 73:19,	145:11	admitted	age
76:22, 77:6,	accurately	106:9	80:13, 130:12,
77:14, 77:22,	122:18, 129:20	adopt	131:7
78:22, 79:5,	accustomed	136:11	agency
79:21, 79:24,	132:11	affect	57:8
80:9, 80:20,	act	8:11	agent
81:2, 81:6,	143:13	affirmative	23:2
81:24, 82:3,	action	131:18	ago
82:7, 84:18,	1:7, 5:19,	aforementioned	9:10, 9:13,
93:19, 94:4,	9:22, 9:25,	145:7	9:22, 11:4,
94:9, 94:25,	11:12, 11:17,	after	11:11, 58:17,
100:6, 100:17,	11:22, 12:23,	10:16, 39:25,	62:5, 67:12,
101:15, 101:19,	16:6, 19:8,	42:7, 42:20,	116:11
103:15, 112:9,	32:12, 46:15,	43:15, 43:23,	agree
114:5, 119:22,	64:18, 145:17,	44:16, 45:24,	102:18
120:8, 125:19,	145:21	46:10, 83:7,	agreed
134:7, 134:18,	actions	84:13, 84:16,	8:19, 8:23,
140:15, 140:20,	13:21, 14:1,	86:16, 89:5,	103:1
140:21, 141:15,	30:24, 31:1,	93:15, 112:1,	agreement
142:12	31:6, 31:8,	116:2, 116:4,	113:14
abrams	31:10, 31:17	119:4, 137:21	agreements
2:20, 4:21	activity	again	32:7
	86:13	8:21, 11:19,	ahead
			7:17, 8:19,

Transcript of F. Michael Conte

January 4, 2023

147

8:23, 11:6, 19:13, 50:10, 125:15, 135:8 all 2:2, 4:12, 4:22, 6:24, 12:1, 15:12, 16:22, 23:9, 26:22, 27:8, 29:21, 31:17, 33:21, 35:14, 39:16, 39:18, 40:19, 49:4, 50:15, 50:19, 62:17, 65:17, 67:4, 78:7, 78:16, 79:2, 79:18, 79:24, 80:6, 81:12, 82:9, 92:12, 99:7, 103:15, 105:7, 105:18, 107:17, 109:23, 112:6, 114:5, 115:10, 115:11, 116:18, 117:24, 122:5, 131:22, 132:6, 134:14, 135:7, 137:8, 138:11, 142:3 allegation 13:3, 13:15, 64:24 allegations 13:9 alleging 9:14 allowed 88:25 allows 88:20 almost 89:16 along 45:13 aloud 107:11, 120:1, 129:1, 130:21	already 72:7, 105:7, 105:18, 124:11 also 2:35, 6:21, 7:1, 9:2, 13:22, 18:17, 53:12, 79:3, 84:3, 89:2, 90:18, 108:16, 112:6, 112:24, 120:10, 129:22 always 35:16, 49:3, 109:9 america 17:12 americas 2:30 amongst 13:13, 33:1, 43:16 amount 12:14, 43:4, 137:12 annually 25:7 another 90:22, 98:11, 113:1, 113:8, 140:18 answer 5:23, 5:25, 10:14, 11:6, 15:22, 22:8, 58:7, 64:22, 72:14, 97:2, 124:19, 124:25 answered 46:25, 121:25, 124:2, 124:3, 124:10 answering 6:1, 124:5 answers 6:10, 6:11, 32:16, 77:19 anthony 53:5	anti-discriminat- ion 132:17, 132:19, 141:4 anti-racist 140:13 anxious 84:6 any 7:7, 8:3, 8:8, 13:21, 14:1, 15:18, 16:9, 16:19, 22:25, 23:6, 23:10, 24:17, 24:19, 29:5, 30:25, 34:10, 35:20, 37:5, 45:3, 45:21, 46:3, 46:9, 46:21, 47:3, 47:5, 47:8, 50:14, 50:21, 55:10, 57:21, 61:10, 61:11, 62:12, 63:24, 67:5, 71:2, 71:8, 78:21, 79:20, 80:19, 81:1, 81:20, 81:23, 82:2, 82:6, 82:11, 84:17, 87:9, 89:1, 89:20, 90:5, 91:6, 93:15, 101:18, 102:16, 103:24, 108:16, 108:21, 110:7, 118:2, 118:24, 126:9, 134:21, 138:22, 141:4, 143:5, 143:8, 143:19, 145:17 anybody 23:22, 33:6, 54:2, 103:6 anyone 15:1, 15:6,	15:10, 16:13, 17:1, 57:15, 64:5, 71:21, 77:9, 77:13, 77:16, 87:3, 87:8, 88:12, 88:25, 91:6, 95:21, 107:18, 125:19, 125:23, 133:2, 134:13, 139:14 anyone's 138:1 anything 8:13, 14:20, 29:3, 43:24, 63:9, 76:11, 77:2, 78:1, 103:7, 125:6, 142:8, 142:10, 142:14 anyway 55:9, 55:10, 117:16, 125:11 anywhere 94:11, 134:22 apologies 95:7, 95:21 apparatus 59:22 apparently 83:21, 92:6, 116:3, 118:14 appeal 45:18, 45:22, 141:8, 141:12 appear 107:16, 107:25, 108:24 applicant 36:3, 37:2, 37:12, 39:7, 39:25, 40:8, 41:4, 41:5, 42:9, 42:14, 44:18, 45:4, 45:18, 45:23, 45:25, 46:9,
--	---	--	--

Transcript of F. Michael Conte

January 4, 2023

148

106:3, 107:15, 107:25, 108:8, 108:9, 108:23, 122:12, 131:20, 132:6, 132:9, 136:5, 141:8 applicants 36:20, 36:25, 37:25, 46:16, 46:22 application 11:9, 13:7, 13:18, 36:4, 36:5, 36:11, 36:17, 37:15, 37:19, 37:23, 40:1, 40:12, 67:23, 68:1, 68:3, 70:9, 70:13, 70:24, 71:5, 71:13, 71:20, 85:4, 85:19, 89:4, 93:22, 94:5, 95:4, 96:19, 96:22, 97:1, 97:13, 97:18, 99:3, 99:9, 99:19, 99:22, 100:1, 100:5, 100:25, 101:20, 102:3, 102:5, 102:9, 103:3, 103:8, 104:6, 104:9, 104:11, 104:21, 104:24, 105:4, 105:7, 105:18, 105:23, 106:1, 107:15, 109:15, 112:2, 112:25, 120:14, 120:18, 120:25, 121:13, 123:5, 123:8, 123:10, 123:14, 123:19, 123:23, 124:23, 125:10, 125:21, 132:5, 136:1,	136:24, 137:3, 142:24, 143:4, 143:9, 143:14, 143:17, 143:21 applications 47:9 applied 67:20, 68:12, 68:17, 68:24, 69:23, 70:3 appointment 16:4 appreciate 139:12, 140:8 appropriate 88:9, 140:6 appropriately 91:1 approval 30:25, 31:7, 31:19, 32:3, 32:21, 32:25, 33:3, 33:12, 34:1, 35:13, 35:19, 37:9, 38:14, 38:16, 38:20, 39:6, 42:4, 42:21, 43:9, 43:24, 71:25, 108:14, 108:18, 112:19, 119:23, 135:17 approvals 104:4, 112:7, 112:9 approve 33:13, 36:2, 36:10, 37:12, 41:24, 44:17, 109:25, 123:8, 123:9 approved 31:11, 45:2, 86:11, 86:25, 103:25, 107:17, 109:24 approving 32:11, 32:12	approximately 55:24 april 63:18 arbitration 14:17 architect 25:21 architects 20:25 archives 117:17 area 22:6, 52:12, 55:14 arizona 9:11 around 98:2, 131:25, 134:9, 138:19 articles 127:9 artist 21:1, 21:12, 69:4, 69:13, 69:22 asked 14:6, 23:17, 27:9, 28:19, 41:6, 46:25, 58:20, 72:14, 75:17, 75:24, 76:17, 77:6, 82:17, 88:1, 88:6, 102:11, 124:1, 124:3, 124:10, 124:25, 141:15 asking 6:2, 7:12, 42:23, 43:6, 47:2, 47:4, 49:20, 67:23, 73:11, 77:18, 88:4, 122:6, 131:16, 134:11, 135:25, 136:1, 136:10, 137:8,	138:15, 138:16, 138:17, 139:24 asks 10:16 aspect 85:25, 120:11 assess 105:8, 105:19 assessment 100:24 assign 130:2 assume 79:4, 97:3, 107:18 assumption 81:15 astonished 43:18 attached 123:6 attack 77:10, 82:11 attempt 94:25 attempting 39:20, 65:4 attend 39:12, 39:21, 41:12, 41:17, 72:2, 72:25, 73:2 attendance 122:22, 122:25, 123:1, 123:7 attended 42:3 attending 4:13 attends 39:5 attorney 9:15, 10:12, 11:23, 12:12, 13:4, 14:24, 15:9, 16:7, 86:9, 88:20, 145:16, 145:19
--	---	--	---

Transcript of F. Michael Conte

January 4, 2023

149

audible 6:11 authority 89:12, 89:14 authorized 31:2, 54:9 auto 18:5 available 112:5 avenue 2:30 avoid 113:6 avoided 16:23 aware 8:14, 38:18, 46:13, 47:3, 47:5, 77:12, 84:4, 88:16, 89:1, 108:16, 125:22, 134:8, 134:12, 141:11 away 79:6, 103:13	78:16 baechler 69:12, 69:13, 69:15 baker 2:9 ball 88:23 bank 37:20 barbara 69:7, 69:9 barclay 2:28, 4:25, 142:18 barry 2:21, 4:20, 95:20, 109:5, 117:13, 127:16, 127:22, 140:9, 142:12 based 94:16, 94:17, 104:19, 130:11, 131:6, 131:12, 131:20, 135:21, 136:13, 137:12, 138:4, 139:1, 141:9 basement 47:22, 47:24, 48:2, 48:6, 50:21, 50:23 basic 5:21 basis 58:12, 76:24, 85:3 bates 127:23, 129:20 bathroom 55:19, 83:1 bathrooms 32:2, 32:8, 32:9 bay 73:3 because 13:1, 14:4,	16:23, 21:9, 22:10, 27:21, 28:13, 32:4, 33:1, 34:18, 35:4, 35:9, 39:1, 40:10, 41:21, 42:6, 44:23, 45:10, 45:13, 48:4, 48:6, 48:8, 49:2, 49:11, 52:8, 55:10, 55:22, 58:22, 63:25, 64:24, 69:25, 72:14, 75:19, 79:1, 79:12, 81:16, 83:23, 84:21, 85:22, 85:25, 86:5, 86:10, 89:8, 97:3, 99:21, 100:8, 101:9, 103:11, 104:25, 108:4, 111:14, 117:15, 117:22, 119:5, 119:14, 124:9, 127:1, 127:14, 136:21, 138:16, 140:21, 141:21 become 63:25 becoming 34:17 been 5:7, 9:5, 18:7, 20:5, 21:23, 24:23, 26:1, 26:7, 26:11, 26:12, 26:15, 26:16, 30:11, 30:14, 35:16, 40:11, 46:17, 46:25, 47:4, 47:5, 47:7, 48:1, 52:6, 52:7, 58:6, 58:8, 65:20,	66:5, 86:10, 99:21, 103:25, 108:5, 108:19, 108:20, 108:21, 108:24, 109:10, 110:7, 115:1, 126:8 before 6:1, 9:6, 13:7, 18:10, 20:10, 26:13, 28:5, 40:14, 47:9, 47:10, 57:5, 58:8, 64:17, 65:21, 68:8, 68:10, 70:8, 72:14, 73:13, 73:16, 73:22, 77:20, 82:17, 87:8, 87:21, 88:12, 101:17, 101:24, 103:1, 103:4, 103:19, 104:9, 104:12, 111:18, 128:17, 128:19, 132:5 begging 133:24 begin 99:6 beginning 23:20 begins 4:1, 127:23, 128:4 behalf 2:6, 2:16, 2:26, 4:17, 97:1 behavioral 75:9, 81:17 behind 140:2 being 9:2, 15:4, 64:23, 140:4 believe 9:21, 10:5, 10:18, 19:9,
B			
baby 113:19, 113:23 bachelor 17:17, 69:17 back 14:3, 14:22, 30:23, 64:10, 64:14, 67:7, 72:23, 82:10, 85:16, 86:5, 86:7, 98:18, 105:14, 106:4, 112:25, 114:6, 114:12, 114:15, 116:25, 124:17 background 17:10, 36:6, 37:18, 78:18, 81:18 backgrounds 75:9, 75:23,			

Transcript of F. Michael Conte

January 4, 2023

150

28:12, 30:13, 30:17, 39:13, 42:17, 44:4, 44:21, 46:3, 50:2, 60:21, 60:23, 65:18, 69:4, 69:25, 70:14, 72:22, 75:10, 79:23, 87:6, 88:24, 90:4, 93:11, 93:23, 97:25, 98:14, 98:25, 102:19, 103:22, 104:13, 104:20, 104:23, 105:1, 108:22, 115:17, 127:8, 127:22, 130:13, 132:18, 132:19 believed 103:17 believes 141:9 belonged 48:10 below 32:2 bendish 1:34, 5:3, 145:3, 145:24 benefit 112:23 bergen 13:1 bergson 2:20, 4:21 besides 20:18, 25:10, 43:25, 46:14 best 5:25, 39:1, 86:4 between 24:2, 29:13, 101:20, 121:15, 123:22, 125:9, 125:20, 139:20	bias 133:13, 136:13 big 49:2, 49:3, 79:1 biggest 89:7 bill 76:17 billable 78:25, 79:14, 84:21, 84:22, 85:6, 85:8 billing 76:18 bills 84:9 bit 30:24, 57:10, 74:19, 91:20, 92:21, 106:24, 111:5, 115:7, 117:13, 128:7 bizarre 42:7, 83:17 black 73:25, 74:4, 74:8, 74:9, 74:12, 74:15, 74:16, 74:20, 82:11 blackout 117:15 blew 79:6 blind 74:24 block 50:17, 50:18 board's 143:20 boilerplate 115:10 bolts 48:15 born 17:12 both 90:4, 122:21,	122:23 bottom 12:13, 91:13, 91:15, 92:16, 98:3, 107:2, 110:25, 111:24, 115:10, 115:24, 116:25, 118:18, 129:22 bought 29:1, 60:19, 60:20, 102:25 boxes 49:3 break 7:7, 7:9, 64:5, 64:9, 64:17, 113:2, 113:6, 113:21 break-in 62:5 breaks 23:4 brendon 2:37, 4:11 brick 19:14, 19:23, 19:24 bride 60:2 bride's 60:2 briefly 17:15, 67:11 bring 42:5, 42:17, 50:24, 53:6, 76:23, 79:11, 92:19 bringing 78:13, 137:1, 142:1 broadcast 55:17 broadway 2:22 broker 17:21	brokerage 18:5 brooks 43:16, 72:19, 73:14, 73:16, 73:21, 73:25, 74:4, 74:7, 74:12, 74:15, 75:5, 80:14, 82:25, 83:5, 83:8, 84:13, 84:16, 86:6, 95:16, 96:23, 96:25, 101:17, 102:12, 104:20, 104:23, 106:10, 115:20, 119:1, 119:5, 120:4, 120:6, 120:22, 120:25, 121:6, 121:11, 121:13, 121:18, 121:21, 122:4, 123:12, 123:18, 125:1, 125:19, 136:23, 137:22, 141:19 brought 11:19, 12:5, 13:7, 14:11, 42:10, 52:2, 62:2, 83:15, 84:1, 132:9, 139:10 building 18:24, 19:7, 19:11, 19:14, 20:2, 20:7, 20:13, 21:4, 21:15, 22:10, 23:5, 26:18, 30:19, 30:20, 31:2, 31:14, 32:13, 34:19, 35:20, 36:21, 39:15, 52:24, 54:6, 60:22, 62:9, 63:6, 68:14, 76:24,
--	---	---	---

Transcript of F. Michael Conte

January 4, 2023

151

78:4, 78:6, 78:11, 78:17, 79:17, 79:19, 80:1, 80:6, 80:10, 80:20, 81:3, 81:8, 81:11, 82:8, 83:11, 83:15, 84:5, 86:2, 86:13, 86:14, 93:12, 93:14, 93:15, 93:25, 94:8, 94:15, 99:16, 100:4, 100:7, 131:25, 132:4, 132:5, 132:14, 133:25, 137:13, 137:25, 138:10, 139:3, 141:24, 142:1, 143:24 building's 54:20 bulb 75:21 bunch 59:19 business 17:24, 17:25, 18:1, 18:6, 18:18, 37:17, 38:6, 39:17, 40:9, 55:5, 56:4, 56:16, 57:4, 59:10, 61:8, 61:15, 61:21, 66:12, 66:20, 70:13, 70:16, 71:16, 76:12, 80:18, 81:7, 85:10, 93:14, 94:1, 97:9, 99:17, 132:3, 134:2, 134:14, 138:10, 138:13, 138:14, 141:23 businesses 38:7, 40:20,	134:15 busy 50:16 bylaws 35:24, 107:17, 109:23, 109:24, 110:1, 127:7 <hr/> C <hr/> call 12:7, 14:23, 23:21, 23:25, 38:22, 39:2, 53:4, 62:11, 73:11, 86:23, 110:16, 117:6 called 13:11, 14:5, 42:8, 43:15, 43:17, 73:4, 83:11, 139:9, 139:14, 139:17, 139:21, 140:10, 140:11, 140:14, 140:24 calls 136:17, 138:6 came 25:15, 25:16, 47:9, 52:2, 86:6, 97:19, 97:25 can't 24:5, 24:20, 42:16, 54:10, 55:2, 76:12, 79:8, 88:24, 91:13, 100:12 cannot 13:13, 131:1, 131:5 capture 6:3 care 49:12 caregiver 120:9 carrier 11:10	carry 65:18 carrying 49:3, 50:18 case 2:29, 3:7, 4:7, 4:24, 7:2, 7:17, 10:1, 10:3, 13:7, 13:13, 31:20, 31:24, 41:13, 43:12, 43:13, 44:19, 44:21, 46:19, 46:24, 64:4, 81:5, 82:14, 82:21, 89:23, 105:11, 105:16, 105:22, 109:2, 109:7, 113:17, 123:17, 124:3, 127:16, 128:16, 129:18, 130:23, 131:14, 133:15, 134:19, 134:25, 136:17, 137:18, 138:8, 140:1, 140:2, 142:11, 142:16, 142:18, 142:20, 144:1, 144:6 catch 54:4 caucasian 17:14 cc'd 111:17, 111:19 ccms 2:6, 6:17, 16:4, 65:2, 65:4, 67:20, 68:3, 68:12, 68:17, 68:24, 69:23, 70:3, 70:12, 70:18, 71:2, 71:24, 84:18, 85:2, 85:10, 86:19, 87:4, 93:19,	96:21, 97:1, 97:10, 97:12, 97:16, 97:17, 101:1, 104:22, 112:2, 112:3, 121:23, 123:13, 141:18, 142:24, 143:4, 143:10, 143:14, 143:17, 143:22 ccms's 70:8, 70:24, 71:13, 71:20, 77:14, 78:22, 79:21, 80:20, 81:10, 81:24, 82:3, 82:7, 85:19, 88:14, 94:25, 123:22 ccr 1:34, 145:24 ceiling 58:19, 88:6 ceilings 62:15, 62:17 certain 7:13, 33:25, 41:11, 43:4 certainly 7:5, 7:14, 32:8, 88:25, 117:17 certificate 145:26 certificates 32:14 certification 145:1 certified 145:3 certify 145:5, 145:10, 145:15 cetera 32:14, 85:23 chain 111:13 chair 14:6
---	---	---	--

Transcript of F. Michael Conte

January 4, 2023

152

chairman 9:18, 13:2 chairs 67:13 chance 75:14, 111:9 change 20:13 changed 35:14, 57:1, 103:23 characteristics 135:22 check 36:6, 117:19 child 80:12 children 75:10, 79:4, 79:8, 80:9, 120:8 choose 133:10 chose 44:9, 108:7 christmas 98:5, 98:9, 98:11, 98:12, 98:13 christmastime 98:2 circle 30:23, 82:10, 112:25 city 10:5, 11:20, 102:25, 103:6 civil 1:7 clarification 141:13 clarified 121:4 clarify 25:6, 28:13, 45:24, 47:12, 57:20, 82:21 clarity 90:12	clear 28:19, 72:17, 85:13, 90:24, 127:14, 132:8, 136:3, 143:23 clearly 93:21, 94:4, 94:5, 99:5, 126:23, 136:23, 137:6 click 61:23, 62:19, 62:21, 63:3, 63:8, 63:21 client 13:4, 13:6, 82:7, 88:21, 89:17, 95:16, 96:1, 104:6, 112:14 clientele 57:10, 78:12, 78:22, 78:23, 79:21, 80:20, 81:10, 81:25, 82:4, 84:18 clinic 70:23, 75:7, 85:13, 85:14, 85:17, 85:25, 86:1, 86:12, 89:12, 94:8, 98:24, 99:11, 100:2, 100:10, 100:11, 100:20, 123:4, 123:15 close 39:14, 99:6, 99:8, 99:23 closed 56:23, 78:4, 98:5 closing 12:3 clue 27:14, 36:23, 61:2, 61:16 co-op 7:1, 7:2, 7:3,	21:16, 21:17, 21:19, 22:3, 22:17, 22:19, 22:22, 23:7, 23:11, 31:6, 31:18, 37:19, 58:3, 60:22, 64:20, 66:6, 70:5, 102:25, 103:9, 108:14, 108:17, 109:10, 112:6, 127:6, 127:8, 128:5, 132:16, 133:2, 136:10, 136:15 co-ops 103:7, 109:8 collect 12:21 color 130:12, 131:6, 135:22, 136:14 com 119:10 combination 53:1 come 7:18, 20:9, 23:22, 32:22, 38:23, 48:21, 53:9, 55:8, 55:9, 78:2, 81:14, 83:18, 86:1, 86:15, 106:4, 106:24, 111:5, 114:6 comes 54:13, 78:7, 79:18, 84:24 coming 48:5, 48:7, 49:16, 49:18, 58:18, 66:19, 66:21, 67:8, 76:9, 77:22, 77:23, 78:12, 79:15, 79:16, 80:6, 80:9,	83:2, 85:15, 88:2, 100:3, 133:23 commencement 145:6 comments 119:5 commercial 21:17, 21:19, 112:6 committed 113:5 communicate 129:8, 142:23, 143:2 communication 118:6 community 1:5, 2:6, 4:3, 4:18, 5:18, 6:16, 82:12, 97:10 companies 93:7 company 28:16, 28:17, 29:12, 29:23, 30:2 compared 102:6, 105:24 comparison 106:2 complete 141:4 completely 6:2, 88:19 concern 79:1, 81:6, 81:19, 136:20 concerned 76:7, 78:15, 80:9, 81:16, 100:6, 101:15 concerns 77:14, 77:17, 77:21, 78:21, 79:21, 79:24, 80:4, 80:7,
---	---	---	---

Transcript of F. Michael Conte

January 4, 2023

153

80:19, 81:2, 81:21, 81:24, 82:3, 84:18, 101:19 concluded 144:15 conditions 8:4 conduct 8:19, 8:23, 135:19 conducted 1:27, 75:12 conducting 135:16, 136:11 conducts 41:2 conference 55:16, 59:21, 72:6 confirm 46:14, 87:3 confirmed 110:13, 120:6 confirming 122:3 conformant 93:13, 94:20 confused 95:24 confusing 90:16 confusion 95:21, 106:12 connected 29:5 connection 10:4, 14:17, 21:18, 25:20, 30:18, 58:3, 65:1, 108:17, 142:20, 143:9 consensus 79:23, 80:22 consent 130:4, 130:5, 130:7, 130:8, 130:11, 131:2,	131:5, 131:6, 131:12 consider 107:14 consideration 13:17 considered 62:8, 135:16 consistent 85:18, 85:20, 85:21, 104:21, 120:13, 120:17, 120:19, 120:21, 120:24, 121:1, 121:6, 121:12, 122:4, 122:7, 122:9, 123:14, 136:2 conspiracy 13:5, 13:6, 13:10 consummate 103:5 contact 45:25, 46:10, 87:9, 87:15, 87:18, 88:13, 89:20 contain 116:22, 117:11 contained 116:19 conte's 124:17 context 109:15 continue 64:6, 91:7, 96:13 continuing 110:9 contract 103:1 contractors 32:5 convened 23:18, 83:9 convention 91:8	conventional 93:9, 93:24, 93:25, 94:4, 94:7, 94:21, 99:17, 105:2, 105:4 conversation 5:23, 41:9, 58:22, 138:21 conversations 6:4 converted 60:22 cool 92:22, 115:11 coop 3:19, 127:23, 129:20, 129:23 cooperative 40:18, 130:9, 134:3 coordinate 37:10, 40:2, 78:1 copy 119:12, 119:16, 125:24, 126:4 corporation's 130:10 correct 13:19, 15:15, 21:16, 25:5, 28:2, 28:4, 28:12, 33:10, 37:3, 56:23, 57:13, 57:14, 68:20, 71:11, 96:3, 96:14, 105:9, 105:20, 107:22 could 10:20, 17:10, 19:10, 26:2, 28:23, 34:20, 35:3, 38:25, 39:2, 40:14, 41:1, 44:8, 48:16, 48:17,	51:15, 53:14, 54:8, 54:25, 59:17, 62:3, 72:1, 73:1, 73:4, 74:9, 82:15, 83:23, 91:22, 92:17, 92:23, 95:5, 95:9, 97:8, 105:13, 106:7, 106:15, 110:4, 110:20, 113:6, 113:22, 114:16, 115:23, 116:12, 117:19, 117:24, 118:4, 118:5, 119:25, 122:19, 122:23, 126:7, 128:6, 128:25, 129:21, 136:10, 136:15, 139:16, 141:9, 141:16 couldn't 20:16, 26:4, 38:23, 39:24, 48:15, 59:5, 60:3, 66:2, 66:3, 67:18, 84:22, 128:21, 128:24 counsel 4:14, 16:17, 46:24, 90:4, 145:17, 145:19 counsel's 112:23 counseling 1:6, 2:7, 4:4, 4:18, 5:18, 6:16, 79:7, 79:9, 97:10 count 34:23, 42:12, 42:13, 50:12, 56:8 counted 60:10, 60:14 countries 40:21
--	--	---	--

Transcript of F. Michael Conte

January 4, 2023

154

county 9:11, 13:1 couple 33:4, 60:18 course 69:6, 70:2, 71:14, 113:7, 130:19 court 1:1, 4:6, 5:2, 6:9, 10:3, 11:17, 13:23, 14:13, 145:4 courtroom 8:1, 14:1 cover 7:17 coverages 10:10, 11:9 covid 20:11, 52:1, 55:24, 57:1, 57:5, 66:1, 68:9, 68:10 cpia 17:18 crack 79:8, 80:9, 80:15 created 12:6, 12:13 creating 104:14 credit 37:20 creed 130:12, 131:6 criminal 14:4, 75:8, 75:23, 78:16, 81:18 crr 1:34, 145:24 cuff 75:24 current 17:19, 25:9 currently 27:15, 47:14,	65:20 customary 107:15, 107:25, 108:2, 108:3, 108:23, 109:14 customers 49:20, 101:4, 101:14 cut 95:8 cv- (nrb 1:8 <hr/> D <hr/> daily 55:21, 76:24, 85:3, 98:22, 101:6, 101:9, 101:11, 101:15, 121:9, 121:23 damon 2:28, 4:25, 142:18 dangerous 48:24, 49:1 dark 67:4 date 4:8, 36:7, 98:4, 98:7, 98:11, 112:5, 116:19, 116:22, 117:3, 117:4, 117:8, 117:11, 117:22, 128:21, 128:24, 145:13 dated 98:15, 145:27 dawn 101:25 day 20:3, 20:14, 39:18, 40:8, 50:12, 50:15, 63:16, 71:14, 76:21, 78:8, 78:16, 79:2, 85:5, 85:8,	98:13, 112:1, 116:3, 120:8, 121:24, 136:4, 137:7, 138:11 day-to-day 23:4, 75:3, 75:6, 77:7 days 40:9, 43:4, 86:13, 101:10, 118:25 deadline 40:18 deal 18:5, 40:14, 45:10, 103:5, 140:3 dealers 50:17 dealing 138:10 debate 139:19 dec 3:16 december 68:5, 68:11, 92:7, 92:25, 94:24, 104:9, 107:9 decide 114:2 decided 108:9, 108:11, 108:13, 125:11, 125:12 decision 22:25, 32:20, 44:18, 45:4, 45:18, 137:16, 138:3, 138:5, 139:1, 141:8, 141:22 decisions 22:22, 22:24, 23:6, 23:11, 23:13, 23:15, 30:24, 31:1,	31:11, 31:18, 32:10, 33:11 deductions 12:7 defendant 2:26, 4:25, 16:17 defendant's 95:18, 106:8 defendants 1:22, 2:16, 4:22, 6:21, 6:25, 16:20, 16:21, 96:2 definitely 98:12 degree 17:17 deliberated 122:25, 123:1 delivery 50:4, 56:9 denial 45:18, 65:2, 87:5 denied 46:22, 47:5, 47:8 deny 36:2, 37:12, 44:17, 143:21 denying 84:14 depo 113:7 depos 2:36, 4:12, 5:4, 90:17 deposed 9:6, 9:8, 9:12, 9:17, 9:21, 13:22, 15:4 deposition 1:25, 4:2, 4:12, 5:17, 6:18, 8:20, 8:23, 9:2, 10:4, 10:8, 10:12,
--	---	--	--

Transcript of F. Michael Conte

January 4, 2023

155

11:4, 11:11, 12:23, 14:20, 15:7, 15:11, 15:14, 15:19, 16:14, 16:20, 17:2, 17:5, 20:18, 90:13, 90:23, 90:25, 91:1, 91:5, 91:8, 95:16, 96:1, 106:9, 110:7, 114:25, 126:9, 144:13, 144:15 depositions 118:4 descent 17:13 describe 17:10, 17:16, 19:10, 48:16, 48:17, 51:15, 55:12, 59:17, 62:3, 75:5, 115:19, 131:10, 131:17 described 75:7, 78:12, 85:16, 94:15, 123:5 describes 115:17 description 3:14, 37:16, 98:22, 99:4, 100:14, 104:21, 120:12, 120:13, 120:14, 120:17, 121:5, 121:10, 121:11, 121:12, 123:22, 125:10, 125:20 desks 59:20, 67:13 details 29:19 determination 143:21	determine 24:8, 133:11 determined 12:3, 12:17 di 135:7 died 21:9, 70:1 difference 24:2, 24:4, 73:10 different 19:21, 40:20, 40:21, 41:8, 57:10, 62:12, 90:25, 95:22, 106:6 difficult 6:3, 34:17 difficulty 117:14 directly 45:11, 46:4, 126:4, 129:8 directors 35:7, 130:4, 133:6, 133:23 disability 130:13, 131:7 disbarred 12:19 discrepancy 123:21 discriminate 133:13, 136:19, 136:21, 138:3, 138:14 discriminated 141:18 discrimination 134:7, 134:9, 134:13, 134:18, 135:21, 136:13, 141:10, 141:16 discriminatory 64:25, 65:1 discuss 13:13, 23:22,	43:22, 64:18, 84:14, 101:24, 109:18, 112:18, 138:20, 143:19, 143:25 discussed 43:16, 74:25, 75:3, 77:3, 77:8, 80:7, 83:9, 84:19, 137:23, 137:25 discussion 32:25, 33:6, 41:4, 75:13, 82:7, 82:11, 82:18, 82:19, 94:11, 102:14, 125:3, 137:21 dismissed 13:8, 14:4 display 95:11 distributed 98:15 district 1:1, 1:2, 4:6 diverse 135:11 divot 66:1 doc 110:6 doctormann 25:16, 27:22, 27:25, 28:1, 28:20, 29:2, 69:3, 70:7, 72:18, 82:3 document 91:12, 91:21, 91:24, 92:3, 92:16, 95:14, 96:7, 96:11, 96:16, 97:7, 97:15, 97:23, 106:5, 106:6, 106:10, 106:16, 106:19, 106:21,	106:23, 110:3, 110:5, 110:6, 111:1, 111:3, 111:7, 111:10, 112:22, 114:24, 115:5, 115:8, 115:13, 126:7, 126:8, 126:10, 126:15, 126:21, 127:1, 127:19, 127:23, 128:2, 128:4, 128:9, 128:12, 128:14, 142:5 documents 12:12, 16:5, 71:7, 90:1, 90:2, 112:24, 117:13, 127:11, 132:7 doing 9:16, 29:15, 29:20, 75:20, 75:23, 76:19, 76:20, 85:7 donald 69:11 done 39:9, 40:3, 41:5, 43:14, 45:20, 80:3, 102:20, 102:21, 102:24, 103:9, 103:14, 103:21 door 39:14, 54:7 doorman 93:17, 94:10 doors 48:20, 51:4, 67:3 down 6:10, 14:6, 53:4, 53:6, 56:13, 60:3, 78:7, 79:18, 84:25, 91:17, 91:23, 98:7,
--	---	---	--

Transcript of F. Michael Conte

January 4, 2023

156

103:2, 106:17, 106:18, 106:20, 106:22, 110:22, 110:23, 111:5, 112:22, 113:23, 115:4, 115:7, 115:9, 115:24, 122:20, 126:16, 128:1, 136:9, 142:6 download 90:5 downplay 85:25 dream 60:2 drink 61:13 drop 34:22, 52:8 dropped 48:8, 88:23 drug 80:12 due 72:23 duly 5:7 dumbfounded 83:13 during 10:11, 32:23, 52:1, 55:5, 63:19 dust 12:2	47:3, 47:13, 113:20, 120:15 early 71:18, 110:13 easier 110:17 eastern 4:10 eat 113:19 ebt 15:24 educational 17:16 effect 7:25, 81:6, 81:10 eight 56:2, 58:17 eighth 57:11, 57:16, 57:23, 58:1, 65:12, 65:16, 65:19, 65:21, 65:25, 66:15, 66:23, 67:6, 67:10, 67:17, 67:21, 68:3, 68:13, 70:4, 70:9, 71:3, 77:15, 85:3, 85:11, 95:1, 97:13, 101:2, 101:5, 101:14, 105:9, 105:20, 121:9 either 58:15, 90:18, 142:24 elected 25:7 elevator 51:1, 51:2, 52:18, 52:21, 53:1, 53:2, 53:6, 53:7, 53:10, 53:13, 53:17, 54:15,	55:1, 55:3, 56:11, 56:14, 66:15, 66:18, 66:20, 82:7 elevators 52:23, 52:25, 55:4, 55:6, 79:2 eliminate 136:12 else 8:13, 15:1, 15:10, 16:13, 28:24, 41:8, 43:24, 71:21, 76:25, 77:2, 79:15, 113:14, 122:2, 142:8, 144:4 email 3:16, 87:12, 92:9, 92:13, 92:25, 93:20, 94:14, 97:20, 98:14, 100:9, 101:20, 102:4, 102:6, 103:14, 103:18, 103:25, 105:1, 105:25, 107:6, 107:8, 107:11, 107:20, 109:22, 110:21, 111:13, 111:19, 116:13, 116:15, 116:22, 117:7, 117:10, 117:24, 118:11, 118:14, 118:19, 118:22, 119:10, 119:19, 121:5, 125:24, 142:25 emailed 112:3 emails 14:21, 15:23, 15:25, 16:2, 88:18, 92:12, 116:18, 117:19 emil 2:36, 90:2,	90:6, 91:16, 91:20, 92:20, 95:5, 95:9, 95:23, 96:8, 97:6, 98:6, 98:17, 106:7, 106:17, 107:1, 110:4, 110:21, 110:25, 111:22, 112:21, 114:16, 115:3, 115:23, 116:12, 117:1, 122:19, 126:6, 126:15, 128:6, 129:21, 142:5 emory 73:14, 96:23, 106:10, 115:20, 119:1, 119:5, 120:22 emotional 139:11 employee 57:21, 104:17, 145:16, 145:18 employees 51:5, 52:15, 53:24, 54:10, 55:15, 55:20, 56:10, 57:1, 57:6, 59:24, 60:25, 66:15, 76:6, 78:14, 101:1, 101:14, 102:8, 124:22 employers 81:12 empty 21:8, 21:9, 69:6 end 13:16, 75:19, 75:20, 78:7, 103:11, 144:13 ended 82:24 engineering 53:20
E			
each 5:25, 6:2, 19:16, 25:13, 25:25, 35:2, 47:15, 47:16, 51:19, 51:22, 55:7, 76:20, 83:16 earlier 5:17, 30:17,			

Transcript of F. Michael Conte

January 4, 2023

157

engineers 25:24, 68:21, 69:9 enormous 59:25, 60:6 enough 102:17 enter 49:11 entered 82:8 entering 81:7, 81:8, 100:7 entire 111:10, 127:23 entirely 110:6 entities 20:19, 20:21, 47:14 entitled 32:8 entity 25:18, 100:10 entry 12:14 environment 134:4 equipment 48:22, 48:25, 50:5, 50:21, 50:24 eric 25:16, 27:25, 70:6, 72:18 especially 100:8 esq 2:10, 2:21, 2:29 essentially 5:22 est 1:29 estate 11:25, 60:4 et 32:14, 85:23	ethnicity 7:13, 7:15, 17:11, 26:20, 26:21, 26:24, 27:5, 27:13 europe 41:20, 73:2 eve 98:9, 98:11, 98:13 even 20:4, 40:14, 42:9, 42:16, 48:23, 54:15, 55:2, 60:3, 71:16, 73:11, 76:12, 79:6, 79:8, 80:11, 83:18, 86:14, 88:22, 88:24, 89:15, 93:21, 94:11, 99:6, 99:8, 99:10, 99:23, 100:12, 100:17, 101:25, 103:2, 103:4, 113:9, 125:8, 138:17, 138:22 event 118:24, 145:20 events 61:18 ever 9:5, 14:16, 16:16, 30:14, 36:13, 36:24, 38:16, 45:21, 47:23, 48:1, 50:4, 51:9, 51:12, 53:23, 54:11, 57:25, 59:13, 61:11, 61:17, 61:25, 63:12, 66:14, 66:22, 66:25, 73:13, 87:20, 94:12, 104:8, 112:18, 119:18,	119:21, 126:3, 130:16, 135:15 every 20:3, 20:14, 39:18, 50:11, 60:2, 78:9, 78:10 everybody 19:21, 24:15, 40:19, 64:9, 72:2, 76:25, 79:23, 83:12, 89:8, 101:24, 103:13, 113:14, 140:5 everybody's 40:3, 66:2 everyone 75:14, 81:16, 98:16, 110:17, 134:1, 134:8, 134:12, 138:9, 144:11 everyone's 86:4 everything 39:3, 83:19, 103:2 evidence 111:15, 136:9, 141:21 ex-criminal 75:9 exact 137:23 exactly 70:17, 94:21, 104:24, 139:10 examination 3:3, 5:12, 142:16, 145:7 example 12:8, 32:1, 32:19 examples 23:14 except 4:23, 20:14,	22:11, 35:17 exception 134:1 excerpted 3:18, 127:2 excused 14:8 exhibit 3:16, 3:18, 90:7, 90:9, 90:21, 91:4, 95:10, 95:12, 95:15, 95:18, 95:22, 106:9, 106:13, 110:18, 114:18, 114:20, 126:11, 126:12, 129:19 exhibits 90:5 existential 138:18 exit 48:20, 49:11 explains 141:22 explanation 93:18, 120:22 exploded 89:16 exposures 94:1 express 77:14, 77:17, 80:19, 84:17, 101:19, 138:4 expressing 81:2, 81:6 extent 10:18, 14:9, 107:3, 118:23 extracted 126:24 eyes 42:16, 74:23, 133:17 <hr/> F <hr/> face 83:22
--	--	--	--

Transcript of F. Michael Conte

January 4, 2023

158

fact 80:1, 88:17, 89:19, 97:19, 117:21, 118:16, 133:17, 137:10, 137:13, 137:24, 139:1, 143:16 failed 130:7 fair 40:7, 100:23, 108:19, 132:13 false 12:6 familiar 48:11, 69:8, 69:20 familiarize 134:6 family 18:18 fantastic 114:2 fantasy 99:21 far 21:6, 43:1 fashion 103:22 father 58:9, 58:10 favor 33:21 federal 134:7, 134:17 fedex 50:12 feel 140:6 feels 139:21 feet 19:18 felt 140:10 few 113:15, 118:25, 127:10, 142:11,	142:20 fewer 35:9 field 116:16 fifth 51:13, 51:16, 51:25, 52:6, 52:8, 52:9, 52:13, 52:16, 52:19, 53:12, 53:15, 53:16, 53:20, 53:24 fighting 24:15 figure 19:20, 40:10, 62:6, 76:5, 79:10, 84:22 figured 103:12, 103:22 file 90:18, 95:7, 95:10, 106:10 files 90:17 fill 103:3, 103:8 filled 123:19 fills 36:3 films 21:1, 21:2, 47:18, 48:12, 49:9, 49:14, 49:25, 50:20, 51:6 finally 7:11 financially 145:20 financing 129:8 find 37:22, 41:1, 48:5, 48:7, 70:20, 124:7,	124:13, 127:20, 139:16 finding 117:14 fine 91:9, 106:25, 117:9 finish 6:2, 113:16 finished 110:3, 126:6 firm 11:24, 18:5, 18:12, 18:14, 18:16, 25:21, 53:20, 123:2, 142:19 first 9:20, 36:9, 47:24, 48:1, 48:8, 48:17, 48:18, 48:22, 49:6, 49:9, 49:17, 50:5, 50:25, 68:16, 92:24, 94:25, 103:7, 112:5, 130:3 fit 38:6, 78:5, 78:6, 78:10, 79:17, 83:11, 85:24, 132:10, 132:14, 137:24, 139:3, 143:23 fits 78:9, 132:3 fitting 80:23 five 24:13, 24:25, 27:15, 27:18, 27:24, 30:13, 34:5, 41:14, 56:1, 64:4, 64:8, 101:11, 114:1, 128:22, 133:5, 138:19	fix 88:5 flavor 132:4 flexible 38:22 flies 9:13 floors 20:20, 21:4, 21:7, 22:11, 35:2, 35:5, 35:20, 47:18, 48:12, 51:13, 51:16, 57:11, 60:9, 62:13, 65:8, 68:13, 68:24, 84:7, 131:2, 133:5, 133:20 fluctuate 27:19 fluid 35:9 fly 103:12 focus 107:2, 111:22, 129:13 focused 121:17, 122:16 focusing 111:24 follow 119:21 following 121:20, 124:19 follows 5:8 food 56:9 foot 20:15 force 7:25 foregoing 145:11 forensic 12:16
---	--	--	---

Transcript of F. Michael Conte

January 4, 2023

159

forget 22:6 forgot 25:15 form 5:23, 42:22, 105:16 formal 33:15, 33:17, 33:18, 44:25, 132:17, 132:19 formed 77:18 former 103:25 forth 14:22, 136:24, 145:14 forward 19:6, 93:9, 102:10, 102:14, 102:15, 123:24, 124:23, 125:3, 125:4, 125:11, 125:13, 140:20 forwarded 92:9, 111:20 forwards 92:11 found 14:10, 89:2 four 24:13, 24:14, 25:1, 25:3, 27:21, 34:7, 41:14, 42:14, 42:15, 55:16, 56:1, 58:19, 88:6, 117:23, 138:18 fourth 51:12, 51:16, 51:25, 52:6, 52:7, 53:15, 53:20, 53:24, 120:1 frame 42:24, 43:2	france 27:8, 72:22 frank 5:11 franklin 9:18 frankly 35:1, 66:2, 73:8, 89:2, 100:18, 102:1, 135:6 freight 22:6, 53:1, 53:2, 53:6, 56:14 french 27:1, 27:2, 27:6, 27:9 friday 56:22, 99:18 front 16:9, 53:10, 54:7, 83:23 full 5:10, 18:4, 92:20, 98:19, 120:1, 127:18 fully 8:5, 8:10, 8:15 funny 89:8 furniture 88:15 further 23:22, 144:2, 145:10, 145:15	general 19:15, 23:21, 24:10, 34:16, 35:8, 44:14, 54:10, 56:16, 80:22 generally 19:10, 27:24, 31:17, 48:11, 48:18, 51:15, 55:7, 55:12, 62:3 getting 23:18, 67:25, 79:12 gg 90:7, 90:9, 90:18, 91:4 giant 59:21 give 7:24, 10:15, 98:22, 103:13, 130:7, 130:11, 131:5 given 38:16, 93:18, 102:8, 111:16, 123:21, 124:21 glad 75:17 go 5:20, 11:6, 15:5, 19:12, 20:1, 20:15, 23:25, 34:24, 37:21, 44:1, 46:6, 48:21, 50:10, 51:3, 53:4, 54:17, 58:21, 66:15, 66:20, 67:7, 83:18, 88:7, 90:1, 91:22, 97:5, 97:6, 98:3, 98:17, 102:10, 102:14, 115:9, 123:24, 124:23, 125:3, 125:4, 125:11, 125:12, 125:14, 128:7, 133:16, 135:8, 139:5 god 14:3, 67:12, 68:6, 73:10 goes 27:7 going 5:16, 5:20, 5:22, 7:11, 9:9, 9:13, 13:5, 17:8, 19:6, 19:17, 21:10, 21:25, 25:2, 27:1, 30:23, 32:6, 40:11, 42:1, 42:18, 45:12, 47:15, 48:14, 49:16, 49:18, 49:20, 49:24, 52:19, 53:11, 53:24, 54:6, 56:8, 57:25, 60:5, 63:12, 64:2, 64:11, 64:18, 66:21, 67:3, 68:5, 69:5, 71:17, 72:9, 75:21, 76:2, 76:9, 78:24, 80:5, 81:17, 83:16, 83:24, 85:14, 85:15, 85:22, 86:7, 89:11, 89:15, 89:25, 90:3, 91:14, 97:3, 98:8, 99:14, 103:12, 106:5, 107:1, 109:7, 109:13, 112:24, 113:25, 114:9, 117:6, 118:9, 126:10, 127:12,
G		
game 84:8 garbage 53:4, 53:6 garfinkel 2:20, 4:21 gary 25:14, 25:17, 25:20, 26:3 gears 64:3		

Transcript of F. Michael Conte

January 4, 2023

160

129:12, 132:1, 133:21, 135:10, 135:13, 135:14, 136:2, 136:5, 136:8, 144:14 gone 61:11 good 5:13, 5:15, 41:15, 64:4, 91:18, 93:11, 111:5, 111:8, 113:1, 128:8, 128:10 google 70:18, 70:20, 73:16, 73:20 gott 11:16, 11:23 governing 127:8 grave 139:6 great 90:8, 114:1, 124:9 green 17:13 grill 1:16, 2:17, 6:23, 20:23, 25:11, 26:14, 26:20, 61:21, 69:1, 70:6, 72:17, 80:19, 80:24, 81:1, 81:21, 87:18 grillo 20:22 ground 47:21 grounds 130:15, 131:8 guards 75:25, 76:3, 76:4, 76:8, 76:13 guercio 69:20	guess 12:7, 13:6, 13:16, 14:3, 19:19, 24:4, 24:21, 27:8, 32:13, 34:6, 34:24, 37:16, 39:7, 39:8, 41:10, 44:9, 44:24, 44:25, 48:21, 53:1, 54:9, 57:5, 58:10, 59:8, 65:23, 141:12 guy 21:9, 22:5, 22:9, 26:22, 42:11, 42:17, 43:19, 45:2, 50:11, 50:12, 54:12, 56:9, 60:4, 132:1 guy's 73:2 guys 102:22, 114:2, 114:4 <hr/> H <hr/> hand 20:25, 21:2, 33:19, 33:23, 47:18, 48:12, 49:8, 49:14, 49:25, 50:20, 51:6, 84:20, 86:23 handle 23:3 handled 13:5 hands 83:12, 83:13 happened 82:23, 83:7 happy 6:8, 64:6, 117:3, 138:21	hard 55:25, 102:17 head 6:12, 75:21, 89:16 heading 116:15 health 100:22 hear 31:23, 80:24, 138:14 heard 62:10, 73:14, 79:6, 94:10, 122:17 held 20:25, 21:2, 34:24, 47:18, 48:12, 49:9, 49:14, 49:25, 50:20, 51:6, 103:10, 103:11 hello 142:17 help 88:4, 90:3, 135:21, 141:16 helpful 32:18 helps 84:8 here 4:1, 8:25, 20:3, 20:6, 20:10, 20:17, 33:5, 38:7, 39:16, 39:17, 39:18, 54:2, 54:6, 56:2, 56:18, 60:17, 76:6, 77:1, 78:13, 78:14, 79:12, 80:23, 83:17, 85:1, 86:7, 86:10, 86:21, 94:16, 94:17, 98:14,	99:8, 99:13, 99:14, 100:25, 101:6, 103:10, 129:2, 132:10, 132:18, 134:1, 134:24, 135:3, 138:12, 138:13, 141:22, 143:18 here's 103:3 hereby 145:5 hereinbefore 145:13 hey 86:24 high 62:15, 62:17 high-traffic 57:8 hike 58:21, 88:3 himself 12:15, 41:6, 93:1, 93:2, 136:6, 136:24 hired 12:12 history 17:16, 37:18, 109:10 hoists 51:2 hold 24:10, 41:21, 43:3, 71:23, 78:3, 96:9, 143:8 holding 109:18 holdings 1:14, 4:5 holds 59:4 hole 78:10 holiday 101:25, 102:23
--	--	--	--

Transcript of F. Michael Conte

January 4, 2023

161

holidays 71:15, 112:4 home 44:1, 54:17, 57:7, 86:18 homeowners 18:5 honest 68:7, 76:13 honestly 54:12, 65:6, 100:16 honig 11:15, 17:23, 18:3, 18:8, 18:11, 18:13, 18:20, 18:23, 19:1 hope 71:22 hostetler 2:9 hosts 61:18, 63:8 hour 38:12, 72:10, 79:14, 113:8, 113:10, 113:11 hours 43:4, 49:13, 53:19, 55:5, 56:16, 61:14, 63:20, 63:24, 76:17, 76:18, 78:25, 84:21, 84:23, 85:6, 85:8, 93:15, 137:6	112:12 ident 3:14 identification 110:19, 126:13 identified 123:15, 136:23, 137:6 identify 4:15, 7:3, 20:19, 101:1, 119:9 ignoring 122:14 image 121:14 imagine 34:3, 53:15, 60:3, 76:12, 79:9, 96:24, 100:12, 126:1 important 5:21, 84:12 impression 83:4, 139:23 in-person 38:19, 39:4 inc 1:15, 1:21, 2:17, 6:23, 96:20 included 127:7, 127:10 including 22:9, 27:16, 83:13 income 84:6, 84:7, 84:8, 131:24 inconsistencies 99:7, 101:19, 102:7, 106:1, 125:9, 137:3, 137:5 inconsistency 121:15, 122:11, 125:20 inconsistent 85:21, 99:12,	102:4 incorporation 127:9 indicated 99:7, 109:8 indication 97:20 individual 16:21, 62:24, 67:16, 109:17 individually 73:20 individuals 7:13, 20:19, 20:21, 26:1, 34:23, 47:14, 53:11, 132:25 inevitably 23:23 inform 44:23, 86:19, 87:1, 109:20 information 36:6, 45:13, 105:8, 105:19 informed 87:4 informing 112:3 informs 44:17, 45:4 infrastructure 79:25 input 23:15, 23:18 insensitive 7:14 inside 19:23 install 88:14 instead 31:3, 53:3 instructions 5:21, 140:4 insulting 74:19, 74:22 insurance 10:10, 11:8,	17:18, 17:21, 18:4, 18:6, 32:6, 32:14, 57:8 insure 18:6 intend 133:13 intended 123:13 intercom 23:16, 33:1 interest 86:4, 131:23 interested 70:10, 127:17, 129:7, 145:20 interesting 42:5 internal 51:1, 51:2, 51:18 internet 37:21, 37:22, 37:25, 70:17 interrupt 125:17, 135:9 interview 38:3, 38:8, 38:13, 38:17, 38:19, 39:6, 39:12, 39:21, 40:1, 40:6, 40:22, 41:2, 41:9, 41:10, 41:12, 41:21, 42:8, 42:20, 43:23, 44:3, 45:24, 46:11, 46:15, 71:24, 72:4, 72:8, 72:12, 72:21, 72:25, 73:5, 73:13, 73:17, 73:22, 73:24, 74:3, 74:8, 74:13, 75:1, 75:12, 75:16,
I			
idea 30:7, 50:2, 51:23, 57:24, 61:5, 61:10, 61:19, 71:21, 85:25, 87:11, 87:16, 87:19, 100:16, 100:18,			

Transcript of F. Michael Conte

January 4, 2023

162

75:20, 77:4, 77:9, 77:13, 77:16, 77:17, 80:15, 81:21, 81:25, 82:6, 82:23, 83:8, 84:17, 85:9, 87:8, 87:21, 88:12, 101:17, 102:10, 102:11, 104:19, 107:16, 108:1, 108:5, 108:6, 108:12, 108:15, 108:24, 109:9, 109:19, 109:25, 115:20, 116:2, 118:25, 119:4, 121:7, 121:19, 121:20, 121:21, 122:5, 122:18, 123:25, 124:24, 125:1, 125:11, 125:13, 125:19, 137:22 interviewed 47:4, 103:4, 108:8, 108:10, 119:7, 133:1 interviews 46:16, 108:17, 135:16, 135:20, 136:12 introduced 41:6 investigation 12:16 invited 44:8 involve 32:4, 32:11 involved 24:24, 25:1, 32:12, 36:10, 36:13, 47:7, 103:20, 104:3, 108:5, 108:20, 108:21, 108:25 involvement 9:10	iola 12:18 ironed 40:15 irresponsible 88:19 issue 9:19, 63:25, 84:21 issues 75:9, 84:19, 134:13, 140:5 issuing 112:18 italian 17:13 item 12:13 items 117:14 <hr/> J jamming 79:2 january 1:28, 4:8, 71:18, 72:3, 75:1, 77:3, 101:18, 107:14, 115:20, 118:15, 118:17, 121:7, 121:18, 125:14, 125:18, 142:22, 143:3, 143:13, 145:27 jersey 12:25, 13:11, 145:5 jewish 82:12 job 1:32, 88:10 joe 25:11, 26:16, 70:6, 72:17 joey 20:22, 20:23, 62:6, 63:5	join 43:12, 46:19, 128:16, 133:15 joke 55:22 joseph 1:16, 2:17, 6:23 judgment 12:20 junk 55:18 <hr/> K kaled 17:1, 23:3, 30:18, 30:19, 33:9, 35:18, 36:5, 44:11, 44:22, 44:24, 44:25, 97:20, 98:15, 102:20, 103:20, 104:5, 104:17, 107:20 kaled's 37:8 kaleed 30:18 keep 12:15, 50:22, 55:25, 90:21, 98:8, 137:8 keeps 48:14, 50:21 ken 11:23, 12:5 kenneth 11:16 key 54:10, 55:1, 55:2 kids 79:4 kind 18:2, 22:24, 22:25, 23:20, 24:22, 26:22, 41:3, 47:15,	55:24, 59:10, 59:22, 61:21, 70:13, 70:16, 70:23, 78:18, 80:12, 85:9, 85:14, 113:21, 126:16, 133:7, 133:25, 134:11, 138:15, 141:5, 141:14 kinds 49:4, 135:7, 138:11 kitchen 55:19 kk 114:18, 114:20, 115:1 knew 16:23, 45:2, 74:20, 83:21, 83:23, 87:1, 89:10, 89:15, 94:22, 103:11, 132:9 knock 113:23 knowing 119:6, 127:17 knowledge 5:25, 89:1 known 46:20 knows 73:10, 103:7 <hr/> L labeled 95:6, 95:10, 95:22, 110:5, 114:18, 126:9 lady 132:2 lakes 9:18 land 99:21 large 12:4, 62:15,
--	--	--	---

Transcript of F. Michael Conte

January 4, 2023

163

62:18 larger 126:25 last 28:10, 35:12, 36:21, 38:11, 41:4, 41:19, 51:24, 58:14, 61:20, 65:24, 69:19, 70:1, 86:25, 105:15, 110:10, 113:11, 122:20, 128:22 lately 20:5, 35:10, 58:6, 58:8 later 7:18, 43:22, 60:19 law 13:11, 13:12, 13:16, 130:15, 131:8, 142:18 laws 134:7, 134:9, 134:18 lawsuit 9:11, 10:1, 11:12, 12:23, 64:20, 140:20 layout 55:13, 63:1, 67:6 lead 93:23, 108:22 leak 48:4, 48:6, 58:18, 67:8, 88:2 learned 94:25 lease 35:25, 43:20, 65:16, 65:18, 88:22, 93:5, 129:11, 130:2, 130:5, 135:4, 137:12	least 35:7, 85:8, 130:9 leave 14:15, 98:18 led 105:1 left 22:4, 43:16, 83:3, 83:8, 84:13, 84:16 lehr 16:25, 33:9, 44:10, 92:9 lender 129:9 lengthy 126:17 less 34:22, 60:12, 90:2 let's 15:5, 55:11, 55:25, 58:24, 59:2, 64:8, 72:17, 90:20, 90:23, 113:14 letter 90:19, 94:23, 99:21 lettering 110:8, 110:9 letting 78:15 level 51:3, 105:8, 105:19 licensed 98:24 lie 140:25 lied 140:23 lies 122:13 lifestyle 12:17 light 75:21	light-skinned 26:22 limit 40:5 limited 59:1 line 12:13, 94:9, 129:9 lines 88:14 links 90:4 list 117:23 litigation 9:19, 12:19 little 30:24, 57:10, 81:16, 91:20, 92:18, 92:21, 106:24, 111:5, 111:6, 114:4, 115:7, 117:13, 128:7, 128:8 live 13:2, 39:18, 135:4 living 12:17 llc 1:14, 4:5 llp 2:20, 2:28 lobby 78:1, 78:2 local 134:6, 134:17 located 18:21, 52:16 lock 55:8, 55:9 locked 54:7, 55:2 log-in 16:11 long 18:7, 18:15,	19:1, 20:8, 21:23, 25:13, 25:25, 26:7, 26:11, 26:15, 28:6, 30:11, 30:19, 38:8, 50:15, 60:15, 62:5, 63:3, 63:7, 65:15, 72:8, 78:17, 79:2, 84:13, 136:4, 138:11 look 37:24, 48:25, 62:12, 86:6, 92:18, 98:20, 117:24, 124:14, 127:12, 127:24, 128:3, 132:12, 132:15, 133:19 looked 67:4, 120:15, 132:7 looking 60:5, 83:16, 91:4, 93:8, 94:22, 105:6 looks 48:24 lost 15:16 lot 37:22, 53:17, 56:6, 57:9, 70:21, 76:14, 84:9, 86:12, 88:19, 88:22, 93:7 loud 93:4, 97:9, 122:24 low 79:18, 93:12, 94:20, 100:10, 100:11, 105:3, 105:4, 132:4, 132:6 lucky 56:19
--	---	---	--

Transcript of F. Michael Conte

January 4, 2023

164

lunch 113:2, 113:6	104:17, 107:21	90:16, 90:22,	76:10, 77:21,
M	manager 69:10	90:24, 91:5,	78:10, 81:5,
machines 117:25	managing 23:2	95:6, 95:12,	84:23, 85:13,
made 118:3, 138:5, 139:1, 141:23	manhattan 10:6, 14:14, 14:15	95:15, 95:18, 96:1, 106:8,	88:20, 88:22, 90:12, 94:21,
mail 52:2, 52:9, 62:2	manner 143:5	106:13, 110:18, 114:17, 114:20, 115:1, 126:8, 126:12	100:19, 100:22, 108:1, 108:11, 112:10, 117:22, 125:16, 129:14, 129:15, 130:21, 131:4, 135:8, 135:9
mailbox 48:10	many 21:4, 22:2, 22:13, 36:20, 41:23, 46:16, 49:5, 49:8, 51:5, 51:18, 52:3, 52:15, 52:23, 55:20, 60:8, 60:24, 60:25, 68:13, 75:25, 76:17, 77:22, 85:1, 90:1, 101:1, 101:4, 102:7, 133:9, 137:5	marks 144:12	means 6:19, 8:20, 8:24, 61:24, 76:19, 79:1, 80:2, 130:25
mailed 48:9	marc 1:16, 4:23, 4:25, 6:23, 16:17, 25:11, 30:10, 35:1, 41:19, 47:19, 48:10, 68:18, 69:4, 70:7, 72:16, 119:11, 142:19	match 93:22	meant 90:16, 100:2, 100:15, 100:18, 100:20
majority 34:2, 34:4, 42:1, 55:15	marc@handheldfil- ms 119:10	materials 15:14, 15:18, 16:9, 71:3	measure 19:21, 19:22, 19:23
make 12:14, 23:6, 23:10, 23:13, 32:5, 34:12, 34:13, 34:20, 37:11, 76:21, 78:25, 85:5, 86:5, 90:23, 97:21, 110:14, 122:17, 127:13, 131:11, 131:19, 138:3, 138:14	march 20:12	math 76:19	media 4:2
makes 22:22, 36:4, 42:18, 89:6, 113:13	marital 130:13, 130:14, 131:7	matter 4:3, 6:22, 49:10, 58:20, 88:17, 136:25	mediation 1:6, 2:7, 4:4, 4:19, 5:18, 6:16, 14:17, 97:11
making 32:13, 36:5, 137:16	mark 2:26, 110:8, 126:10	matters 23:12	medical 8:3
man 73:25, 74:4, 74:15, 74:16, 74:21, 82:12, 83:6	marked 90:9, 90:13,	maxime 1:17, 2:17, 6:23, 25:12, 59:4, 70:6, 72:18	medications 8:8
managed 30:19		maybe 17:14, 54:13, 63:18, 67:2, 68:11, 71:6, 73:18, 83:22, 84:15, 102:12, 108:3, 108:6, 108:7, 109:4, 109:13, 109:15, 113:6, 113:9, 114:4, 125:1	meet 15:6, 15:10, 34:25, 40:17, 101:24, 107:14, 138:22
management 17:1, 30:18, 33:9, 103:20,		mean 7:13, 9:24, 10:13, 24:19, 27:20, 33:18, 34:21, 44:24, 47:25, 49:19, 54:5, 54:23, 59:25, 62:10,	meeting 16:4, 16:12, 23:21, 32:23, 32:24, 34:13, 34:16, 35:7, 36:8, 39:4, 41:20, 42:3, 44:6, 59:15,

Transcript of F. Michael Conte

January 4, 2023

165

72:1, 86:24, 101:22, 102:15, 102:18, 116:4, 118:24, 125:4, 125:25, 126:4, 137:2 meetings 23:25, 24:10, 35:8, 44:14 member 21:20, 21:21, 21:24, 23:15, 24:5, 24:7, 24:9, 24:18, 26:7, 26:11, 26:12, 26:15, 26:16, 28:6, 35:13, 41:23, 66:5, 81:2, 133:12, 143:7 members 1:20, 7:2, 13:12, 23:10, 24:3, 25:4, 25:7, 25:10, 26:1, 27:16, 27:19, 31:3, 33:1, 34:5, 34:7, 37:24, 39:8, 41:12, 41:14, 42:14, 42:21, 43:8, 43:24, 44:16, 46:10, 64:20, 70:5, 71:19, 79:20, 84:17, 87:10, 89:21, 101:18, 103:17, 112:4, 131:1, 131:5, 131:18, 132:21, 132:25, 133:1, 134:5, 134:10, 134:17, 134:22, 137:11, 141:3, 141:18 memorandum 128:19, 129:2, 129:4	men's 113:25 mental 8:4, 100:22 mention 77:10, 79:3, 117:18 mentioned 6:15, 15:13, 25:21, 27:7, 28:15, 30:17, 54:19, 60:7, 61:7, 65:19, 80:8, 95:3, 120:10 merged 18:13 merger 11:24 met 16:16, 73:21, 101:22 michael 1:17, 1:26, 2:18, 2:29, 3:5, 4:3, 4:24, 5:11, 10:11, 81:10, 142:9, 142:18, 144:13, 145:7 middle 71:15, 102:22 might 54:3, 54:17, 63:14, 100:19, 100:22, 106:4, 127:2, 133:12, 133:13 mind 64:9, 66:2, 75:18, 76:11, 113:24, 132:13, 138:1 minds 137:15 minute 126:15 minutes 38:11, 44:2,	44:4, 44:7, 44:14, 64:8, 72:9, 84:15, 113:15, 113:20, 114:1, 115:16, 115:19, 116:1, 116:6, 118:24, 119:3, 119:4, 119:13, 119:16, 119:19, 121:19, 125:25, 126:4 mischaracterizes 31:25 misrepresented 137:1 missing 12:4 mission 9:11 misspelled 130:14 misstates 31:20, 109:2 model 63:14 models 61:23, 62:19, 62:21, 63:3, 63:8, 63:21, 80:21, 81:2, 81:7, 81:8, 81:11 mold 67:14 monday 56:21, 99:17, 99:18 money 9:15, 12:4, 12:14 monitor 4:9 monitoring 76:8 monsey 77:10, 82:21 monsieur 58:25	month 63:18, 63:19, 89:5 months 26:3, 40:12 more 7:1, 24:23, 25:2, 30:5, 34:17, 35:9, 35:18, 37:22, 41:9, 51:21, 53:3, 57:6, 60:12, 64:3, 92:18, 93:9, 111:6, 112:24, 114:4, 128:8, 129:19 morning 5:13, 5:15, 44:5, 52:20, 110:13, 115:17, 116:1, 116:10, 118:22 most 5:21, 12:22, 23:3, 48:24, 75:18 mostly 120:8 motivation 140:2 move 54:16, 88:14, 139:25, 140:19 moved 25:16 movement 93:7 moving 50:5, 141:1 much 14:15, 113:3, 113:24, 114:3, 117:22, 126:25 multiple 22:10 must 6:11, 39:4,
--	--	--	---

Transcript of F. Michael Conte

January 4, 2023

166

45:6, 99:21, 107:17, 109:23 myself 11:15, 25:11, 70:6, 72:16	34:6, 34:8, 76:3, 84:11, 110:8, 113:7, 113:19, 113:20, 113:21, 113:24, 115:3, 128:7, 132:3, 138:18 needed 102:19, 102:20, 105:8, 105:19 needs 23:12, 76:12, 80:13, 106:17, 110:22 negotiation 36:14, 83:19 negotiations 40:11 neighbor 88:4 neighborly 58:23 neither 145:16, 145:18 never 12:20, 19:20, 24:20, 27:9, 52:6, 52:7, 60:10, 60:14, 61:5, 63:25, 73:21, 79:6, 83:24, 94:10, 94:11, 108:4, 108:5, 108:14, 108:24, 111:18, 140:14 new 1:2, 2:12, 2:23, 2:32, 4:6, 9:11, 10:5, 11:19, 12:25, 13:11, 18:22, 27:23, 77:11, 82:12, 82:21, 110:6, 126:8, 145:5 next 44:5, 83:7,	91:23, 115:17, 116:10, 118:22, 129:9 nice 83:6 nicer 80:17 nigel 1:18, 17:4, 43:18, 44:23, 44:24, 45:1, 58:8, 58:11, 58:17, 58:20, 72:18, 83:13, 86:21, 86:24, 87:1, 87:13, 87:22, 89:4, 89:10, 91:5, 94:22, 99:5, 99:7, 99:9, 99:11, 99:13, 99:16, 99:20, 102:19, 102:21, 103:11, 106:2, 114:25, 120:20, 121:1, 121:15, 122:12, 123:9, 123:22 nigel's 14:22, 15:24, 87:12, 100:9, 101:20, 102:4, 102:6, 105:24 night 86:25, 101:22 ninth 29:4, 58:24, 59:7, 59:13, 59:18, 59:19, 60:9, 60:16, 60:18, 60:25, 61:4, 61:8, 61:18, 67:11, 68:23 nobody 55:23, 89:15 nodding 6:12	nominees 24:11 none 141:17 nonsensical 43:20 noon 98:14 nope 16:15, 52:17 normally 53:7 notary 145:4 noted 91:1 notes 16:12, 44:3, 44:14, 122:4 nothing 54:6, 99:5, 99:19, 99:22, 105:3, 137:9, 141:24, 143:24, 144:4, 144:5, 145:9 nothing's 103:23 noticed 102:2, 102:6 number 4:2, 5:24, 19:22, 22:16, 27:19, 33:25, 34:24, 35:10, 41:11, 46:2, 56:25, 63:7, 76:23, 78:24, 79:24, 80:5, 97:9, 101:13, 102:8, 121:8, 124:21, 127:23, 133:22 numbers 34:17, 76:15, 84:20, 84:23, 101:8 nuts 48:14
---	--	--	---

Transcript of F. Michael Conte

January 4, 2023

167

O	133:3, 133:14, 134:19, 134:20, 134:25, 135:2, 135:12, 135:24, 136:16, 136:17, 137:17, 137:18, 138:6, 138:8, 141:20	office 53:8, 62:20, 62:22, 69:10, 72:5, 85:16, 86:5, 86:7, 98:23, 99:12, 123:3	45:20, 54:13, 86:21, 102:25, 140:14
o0o			one
144:16			6:4, 15:16,
oath			22:5, 26:17,
7:21			36:15, 36:17,
object		officers	38:10, 38:11,
10:13, 105:16,	obligation	35:8	38:24, 41:7,
122:8	45:8, 46:3	offices	46:2, 46:20,
objecting	obtaining	18:20, 51:17,	47:8, 50:17,
31:24	129:7, 130:3	51:19, 55:16,	52:21, 52:25,
objection	obviously	59:23, 60:8,	54:3, 55:16,
10:9, 10:17,	92:21	61:4, 62:24,	56:1, 56:5,
10:19, 10:20,	occasional	67:16, 85:23,	59:23, 60:21,
11:5, 15:20,	59:15	99:1	62:4, 63:5,
19:12, 21:5,	occasionally	often	63:16, 63:17,
22:20, 22:23,	57:22, 63:15	20:1, 20:13,	63:18, 65:8,
23:1, 23:8,	occupation	50:8	65:23, 67:2,
28:18, 29:6,	17:20	oh	69:6, 79:24,
29:24, 30:3,	occupied	14:2, 25:14,	88:17, 89:1,
30:6, 33:16,	19:2, 21:4,	48:13, 62:4,	108:25, 111:15,
39:22, 40:24,	21:7, 57:19,	68:6, 69:13,	114:7, 117:4,
41:25, 42:22,	60:16, 63:4,	93:3, 103:12	120:10, 122:16
43:11, 44:19,	65:25, 68:14,	okay	ones
44:20, 46:12,	68:16, 68:19,	7:19, 9:20,	47:3
46:18, 47:20,	69:22, 70:2	10:7, 10:21,	ongoing
51:7, 58:5,	occupies	10:22, 10:23,	38:7
64:21, 65:13,	48:12	20:21, 29:9,	only
70:15, 71:4,	occupy	61:20, 63:3,	6:4, 21:6,
72:13, 74:1,	18:23, 25:18,	66:22, 69:11,	22:11, 23:24,
74:5, 74:14,	28:3, 47:14,	91:2, 91:22,	24:25, 27:21,
75:2, 77:5,	59:6, 59:9,	91:25, 92:22,	36:15, 36:17,
81:5, 82:13,	68:23, 69:1	94:19, 96:13,	38:10, 38:24,
82:14, 89:22,	occupying	106:25, 110:2,	39:9, 41:5,
89:23, 91:6,	28:16, 28:25	110:14, 111:8,	43:14, 46:20,
92:10, 97:14,	occurred	115:11, 116:21,	47:7, 53:15,
97:24, 105:10,	14:7, 77:10,	128:10, 128:25,	54:8, 54:12,
105:11, 105:21,	115:18	143:7, 143:19,	54:25, 60:18,
105:22, 109:1,	occurring	144:1	71:5, 72:13,
112:11, 112:15,	12:1	old	81:14, 111:14,
116:7, 118:12,	offering	55:22, 80:13	112:23, 120:10,
118:20, 119:2,	3:19, 127:25,	olds	127:2, 141:25
120:16, 123:16,	128:5, 128:15,	79:7	onus
123:17, 124:1,	128:19, 129:2,	once	40:17
128:13, 128:20,	129:3, 129:4,	10:19, 24:10,	open
128:23, 130:22,	129:5, 129:24,	39:9, 40:12,	32:25, 33:5,
130:23, 131:13,	130:1, 130:17	41:5, 43:15,	39:3, 55:14,
131:14, 131:21,			

Transcript of F. Michael Conte

January 4, 2023

168

80:1, 80:2, 86:14, 99:16, 132:13, 133:17 opened 67:3 operate 22:19, 93:15, 98:24 operates 50:1 operating 49:13, 53:19, 56:16, 61:14, 63:20, 63:24, 85:11, 94:8, 101:9, 123:3 operation 78:6, 98:23, 99:4, 99:12, 105:2, 137:6, 137:7, 139:2 operations 75:4, 75:6, 77:7, 141:25 opinion 77:19 opportunity 10:13, 10:16, 27:23, 101:23 opposing 90:4 orally 121:18, 121:22, 122:4 order 143:13 organized 21:15, 23:18, 35:18, 103:21 origin 130:12, 131:7, 135:23, 136:14 original 26:17, 117:7, 125:6 originals 60:21, 63:6 other 1:19, 4:22,	11:25, 14:1, 15:9, 16:20, 31:10, 46:16, 46:21, 47:9, 50:18, 53:5, 55:17, 55:18, 62:13, 71:2, 71:19, 78:21, 79:20, 83:16, 89:21, 90:13, 93:16, 94:9, 101:18, 108:17, 109:8, 118:2, 118:3, 128:7, 130:14, 131:8, 137:11, 143:5 others 108:20 otherwise 8:11, 10:15, 10:21, 83:25, 107:18, 139:23 ourselves 43:16, 136:20 out 19:20, 20:10, 22:5, 23:20, 33:4, 34:22, 36:3, 37:22, 40:15, 41:14, 49:3, 51:3, 56:18, 56:19, 57:15, 57:22, 62:6, 73:1, 75:18, 76:25, 78:25, 84:22, 86:13, 87:20, 87:22, 87:24, 88:6, 93:4, 95:8, 97:8, 98:13, 100:3, 103:3, 103:8, 107:3, 111:23, 111:25, 122:24, 123:19, 131:24, 143:1 out-patient 98:24, 99:11,	100:1, 100:10, 100:11 outcome 145:20 outpatient 123:4, 123:15 outrageous 79:17 outside 19:22, 26:3 outstanding 130:10 over 5:20, 50:19, 65:11, 93:8, 135:17, 135:20, 136:12 overseas 72:23 own 17:24, 18:14, 18:15, 20:20, 22:10, 22:11, 35:2, 35:4, 42:9, 47:15, 47:19, 78:18, 79:13, 109:16, 134:2 owned 57:12, 58:25, 65:8, 69:4, 133:20 owner 39:16, 45:9, 45:11, 45:16, 46:5, 46:7, 54:9, 59:3, 59:4, 136:25 owners 22:9, 34:18, 34:21, 35:10, 54:3, 65:17, 133:4 ownership 18:18 owning 130:8, 133:5 owns 21:13, 22:5	oxford 1:14, 4:4, 57:12, 57:22, 58:4, 65:9, 65:11, 71:10, 87:9, 88:13, 125:24 oxford's 65:15, 86:4, 103:24 <hr/> P <hr/> packet 127:7, 127:11 packets 111:16 page 3:14, 91:23, 92:15, 92:20, 97:6, 98:18, 98:19, 98:20, 107:2, 111:23, 111:24, 111:25, 115:24, 116:25, 127:1, 127:11, 128:8, 129:2, 129:13, 129:14, 129:15, 129:16, 129:19, 129:22, 129:23 pages 1:33, 3:18, 96:14, 126:19, 126:25, 128:14 pandemic 20:12, 57:1, 68:9, 68:10 papers 48:9 paperwork 37:10, 54:4 paragraph 92:16, 120:1, 122:16 paragraphs 92:24, 122:21, 122:24 paris 109:21
---	--	---	--

Transcript of F. Michael Conte

January 4, 2023

169

part 23:3, 127:3, 127:6, 128:4, 138:12 participated 2:2 particular 41:13, 43:13, 109:10 parties 4:12, 8:19, 8:22 partner 11:16, 17:25, 18:1, 18:8 parts 85:20, 85:21, 88:20 party 46:4, 145:17 pass 45:13 passenger 52:25, 53:2, 53:10, 53:13, 53:16, 56:11 passengers 53:3 past 36:18, 103:19, 109:16, 130:19 patients 120:8, 120:11, 121:8, 121:23 paturet 1:16, 2:26, 4:23, 5:1, 6:23, 16:17, 25:11, 26:10, 26:25, 30:10, 30:11, 47:19, 70:7, 72:20, 72:25, 73:4, 87:15, 109:19, 119:11, 119:13, 119:15, 119:18, 119:21, 142:19, 142:23, 143:3, 143:8,	143:16, 143:20 paturet's 143:12 pay 84:9, 93:16, 94:9 pdf 129:15, 129:16, 129:23 peaceful 134:3 peg 78:9 pen 16:11 pending 7:9 penthouse 62:9 people 17:13, 19:22, 19:23, 22:10, 23:23, 23:24, 24:11, 24:23, 24:25, 26:18, 32:2, 33:5, 33:22, 34:22, 39:17, 40:20, 48:21, 49:2, 49:5, 49:16, 49:18, 49:23, 52:3, 52:18, 53:17, 54:8, 56:2, 57:9, 59:12, 59:20, 60:24, 61:3, 62:10, 63:24, 66:18, 75:8, 75:23, 76:8, 76:21, 76:23, 78:24, 79:10, 79:16, 80:5, 81:13, 81:17, 85:14, 86:15, 87:12, 88:22, 89:3, 100:3, 102:17, 113:7, 117:23, 131:22,	132:8, 133:9, 133:17, 133:20, 133:23, 134:14, 136:22, 138:12, 138:13, 138:23, 138:24 percent 22:1, 34:20, 34:23, 40:15, 60:23, 130:9 percentage 84:6 perfectly 140:12 perhaps 33:3, 81:15, 135:22 period 117:15 permissible 94:14, 94:18 person 6:4, 27:23, 38:5, 38:22, 41:7, 43:10, 45:11, 56:6, 77:25, 83:14, 84:1, 140:16, 142:25 personal 17:9 personally 71:9, 71:12, 108:14 persons 129:7 peter 16:25, 32:24, 33:8, 33:9, 44:5, 44:6, 44:10, 44:13, 92:11 philosophers 138:19 philosophical 138:21 phone 38:22, 39:2,	88:14, 132:22, 135:17, 135:20, 136:12, 142:24 phonetic 11:16, 25:15, 69:17 photo 63:9 phrase 80:14 physical 8:4, 135:21 picked 112:5 picking 50:5 piece 12:9, 22:5 pieces 127:25 pipes 49:4 place 32:7, 40:1, 40:23, 43:9, 50:19, 93:14, 141:6, 145:13 places 40:21 plain 142:1 plaintiff 1:10, 2:6, 4:18, 5:19 plaintiffs 9:14 plan 3:19, 127:25, 128:5, 128:15, 129:4, 129:6, 129:24, 130:1, 130:17 planet 2:36, 4:11, 5:4, 90:17, 113:7 planning 9:18, 9:19,
---	--	---	---

Transcript of F. Michael Conte

January 4, 2023

170

13:2, 13:12, 13:18 plaza 2:11 please 4:14, 5:4, 5:9, 6:1, 6:7, 6:11, 7:8, 7:16, 17:10, 92:20, 98:22, 106:15, 106:18, 106:20, 106:22, 107:12, 110:23, 114:17, 115:7, 115:9, 116:13, 119:25, 120:5, 128:1 plus 76:5 pocket 87:13, 88:6 point 65:23, 68:6, 71:16, 113:2, 133:4 points 137:22, 137:23 policies 136:11, 141:16 policy 132:17, 132:20 pollution 12:8, 12:11 porrino 11:15, 17:23, 18:3, 18:8, 18:11, 18:12, 18:16, 18:21, 18:23, 19:2 portion 25:19, 128:19, 129:1, 129:22, 129:25, 130:17 position 21:21 positions 24:13, 24:14, 133:5 possible 138:2	possibly 105:14 potential 132:24, 133:12, 136:13 power 113:11 pragmatic 39:17, 132:2 pre-meeting 102:1 preference 129:9 premarked 90:7, 90:12, 90:14, 90:19, 95:7, 95:10, 95:19, 106:11 premise 120:23 premises 19:6, 46:17 preparation 15:10 prepare 14:20, 15:14, 15:19, 44:2 prepared 44:4, 115:16, 116:1, 116:6, 118:11, 118:14, 118:17, 118:21, 118:25, 119:3, 119:4 present 2:35, 13:14, 72:11, 72:20, 89:4 presented 11:10, 16:7, 36:12, 99:9, 106:2, 121:14, 122:12, 137:4, 139:2, 141:22 presents 36:6 president 30:9, 30:12,	30:15, 41:16, 87:15, 109:19, 119:14 pretty 27:7, 35:24, 41:15 prevent 8:5, 8:9, 8:14, 135:21, 141:16 previously 9:8, 46:22, 90:9, 90:13, 90:16, 90:22, 91:5, 95:12, 95:18, 95:25, 104:15, 106:8, 106:13, 111:15, 114:17, 114:20, 115:1, 116:19, 118:3, 122:1, 132:8 principal 129:10 principal's 37:17 printing 59:22 prior 18:13, 31:25, 104:14, 110:7, 126:9, 142:22, 143:2, 145:6 privy 29:19 probably 25:2, 34:8, 35:3, 39:1, 52:1, 54:12, 54:15, 80:17, 90:2, 118:23, 138:18 problem 104:25, 115:11, 122:13, 136:20, 136:25 procedures 141:15 proceed 34:14	process 29:14, 32:21, 35:13, 36:2, 36:10, 36:14, 37:9, 40:13, 40:14, 45:17, 45:22, 45:25, 133:7, 133:11, 141:7 produce 117:4 produced 16:6, 126:25, 127:6 production 117:7, 127:21 productive 139:19 program 141:6 pronounce 69:16 proper 32:6, 32:14 properly 11:10, 13:4, 102:13, 125:2 property 12:9 proposed 81:7 proposing 43:19 proprietary 35:25, 118:7, 129:11, 130:2, 130:5, 135:4 proscribed 130:15, 131:8 provide 13:22, 18:3, 123:14 provided 13:25, 14:16, 120:25, 121:13, 130:4 providing 98:25, 100:14
--	---	--	---

Transcript of F. Michael Conte

January 4, 2023

171

proxy 143:8 psychotherapeutic 99:1, 100:14, 100:21 public 145:4 pull 90:6, 95:5, 95:9, 106:7, 110:5, 114:17, 126:7 purchase 28:17 purchased 29:23, 30:2 purpose 38:2 purposely 16:22 put 10:17, 10:19, 12:8, 23:17, 56:17, 77:20, 89:17, 93:6, 98:7, 118:4, 127:3, 128:21, 128:24, 136:24 <hr/> Q <hr/> qq 110:10 qualifications 24:17, 24:19 question 5:23, 6:2, 6:7, 6:8, 7:9, 10:14, 10:17, 10:25, 16:24, 22:8, 22:21, 28:23, 31:4, 32:17, 41:7, 41:8, 43:6, 46:6, 74:6, 74:10, 74:17, 74:22, 75:18, 82:16, 82:17, 105:14, 105:15, 124:19,	124:21, 137:20, 138:15, 138:18, 138:23, 140:18 questions 5:24, 6:10, 7:12, 7:14, 7:18, 17:9, 36:25, 37:1, 37:5, 41:6, 45:23, 47:17, 75:14, 75:15, 77:18, 77:20, 77:22, 113:12, 137:9, 139:24, 140:7, 140:17, 141:15, 142:12, 142:21, 144:2 quick 64:9, 142:11, 142:21 quickly 40:4, 42:20, 114:3 quiet 133:25 quite 35:1, 66:2, 73:8, 89:2, 100:18, 102:1, 127:10, 135:6 quorum 34:10, 34:13, 34:15, 34:19, 34:25, 35:3, 143:15 <hr/> R <hr/> race 7:12, 7:15, 17:10, 26:19, 26:23, 26:24, 27:3, 27:5, 27:10, 27:13, 130:11, 131:6, 131:12, 131:20, 135:22, 136:13, 138:4, 141:24 races 138:11	racial 141:9 racist 139:10, 139:14, 139:17, 139:21, 140:10, 140:11, 140:14, 140:24 raise 33:19, 33:22 raised 83:12 rarely 20:10 rather 6:12, 71:10 reach 87:20, 87:22, 87:24, 137:15 reaching 137:25 read 14:22, 73:18, 88:17, 89:6, 89:9, 89:15, 91:25, 92:23, 93:2, 93:4, 97:8, 99:3, 100:6, 102:5, 105:14, 105:15, 106:25, 107:11, 107:13, 110:1, 120:1, 122:23, 124:15, 124:16, 124:17, 124:20, 129:1, 130:21 reads 129:10 ready 54:17, 91:17, 93:6 real 11:25, 60:4 realistic 88:5 realize 89:9, 89:10 realized 105:25	really 24:14, 32:3, 32:4, 33:2, 34:22, 40:17, 53:2, 54:2, 57:7, 62:7, 66:18, 75:19, 78:19, 102:21, 102:24, 117:22, 143:24 realm 99:10 realtime 145:25 realty 1:14, 1:15, 1:21, 2:16, 4:5, 6:23, 96:20 reason 7:8, 44:22, 63:23, 93:16, 117:16, 138:5 reasonable 24:22, 33:5, 131:22 reasoning 137:16 reasons 143:20 recall 9:22, 10:3, 11:12, 11:14, 12:23, 14:12, 15:25, 66:11, 67:22, 68:15, 77:2, 81:1, 81:20, 81:23, 82:2, 82:11, 98:10, 102:2 receipt 118:5 receive 52:12, 68:2, 92:5, 97:23, 143:8 received 70:8, 93:20, 94:13, 98:10,
--	--	---	---

Transcript of F. Michael Conte

January 4, 2023

172

100:5, 104:9, 105:17, 105:23, 117:20, 125:24, 132:7 recent 12:22 recently 60:20 reception 52:10, 52:12 recess 64:13, 114:11 recipient 119:9 recognize 92:2, 96:5, 96:15, 107:5, 111:12, 111:14, 115:12, 128:11 recollection 8:11, 10:2 recommendation 37:11 record 5:10, 10:17, 10:19, 17:11, 28:19, 33:19, 64:12, 64:15, 90:24, 93:2, 93:4, 95:17, 107:12, 114:10, 114:13, 114:24, 120:2, 122:24, 127:3, 127:13, 129:18, 139:13, 140:13, 140:23, 142:8, 144:14 recorded 122:18 recover 117:16 recurring 58:17 redo 32:2, 32:7, 32:8 reduce 92:21, 133:22	refer 6:17, 6:21, 6:24, 7:1, 19:6, 95:17 reference 129:20 references 37:20 referring 33:9, 44:10, 104:16 reflect 139:13, 140:13, 140:23 reflected 139:22 refusal 130:10 refuse 131:19 refused 130:7 regard 23:7, 23:11 regarding 11:8, 15:6, 16:1, 87:10, 87:18, 87:21, 88:13, 89:21, 121:7, 142:23, 143:4, 143:14 regular 58:12 reiterate 39:9, 47:6 reiterated 123:2 rejection 86:20 relate 31:13 related 31:6 relationship 45:14 relative 145:16, 145:18 relying 118:18	remaining 20:20 remedy 88:7, 88:10 remember 58:22, 66:8, 67:12, 67:14, 67:25, 79:5, 98:2, 108:13 remote 4:10, 8:20, 8:24 remotely 2:2, 4:13 renamed 90:17, 90:19 renovating 29:16 rent 83:15, 84:1 rented 131:24 renter 45:14, 45:15 renting 37:6, 45:15, 45:16 repaired 58:19 repeat 6:7, 10:24, 28:23 rephrase 6:7, 122:3 reported 1:34 reporter 5:3, 5:4, 5:9, 6:3, 6:9, 13:14, 124:20, 141:13, 145:4 reporter's 145:1 repository 95:23, 106:11, 110:5, 114:19, 126:10 represent 4:16, 5:18,	6:16, 89:14, 102:12, 112:14, 112:17, 114:23, 121:22, 125:1, 127:5, 136:22 representation 123:13, 123:18 representative 58:4 represented 11:24, 86:11, 86:12, 89:11, 104:24, 121:1, 121:6, 121:18, 122:5 representing 4:11, 4:25, 5:3, 142:19 request 88:14, 118:2, 119:15, 126:3 require 23:15, 30:25, 31:6, 31:18, 33:2, 33:11, 109:24 required 10:18, 24:6, 34:1, 34:11, 34:15, 35:19, 35:23, 37:14, 38:13, 38:19, 41:12, 41:16, 41:24, 143:12 requirement 41:19, 43:3, 43:7, 45:3, 134:16, 134:22, 134:24, 135:3 requires 32:20, 32:24 resend 127:18 resigns 133:21 resolve 58:20 respect 31:1, 31:18,
--	--	--	--

Transcript of F. Michael Conte

January 4, 2023

173

118:2 respond 10:20, 118:7, 119:18, 140:6 responding 140:16 response 124:17, 125:6, 140:24 responsibility 45:10, 87:7 responsible 76:6, 81:13 restroom 83:1 result 12:18, 119:22, 137:2 retail 48:19, 51:3 review 15:18, 70:24, 71:12, 71:19, 91:12, 92:13, 96:7, 106:16, 110:21, 111:9, 115:3, 118:5, 118:6, 126:15, 134:17, 134:22 reviewed 14:21, 15:13, 71:22, 99:3, 99:25, 116:18, 123:2, 130:16, 130:18, 130:19 reviewing 91:21, 91:24, 96:11, 106:19, 106:21, 106:23, 111:1, 111:3, 111:7, 115:5, 115:8, 126:21, 126:23, 128:2, 128:9 revolving 134:9 ridiculous 138:16	right 16:10, 33:10, 36:19, 54:16, 54:22, 68:8, 68:21, 84:11, 91:18, 98:2, 104:18, 114:5, 115:11, 119:14, 132:18, 133:21, 136:9, 141:12 rights 140:12 ringing 132:22 rmr 1:34, 145:24 road 136:9 rockefeller 2:11 role 9:17, 21:18, 37:8 room 16:14, 55:16, 55:17, 55:18, 59:21, 72:6, 113:25 roughly 127:11 round-robin 75:13 roundtable 41:3 rr 3:16, 110:8, 110:15, 110:17, 110:18 rubin 107:20, 112:3, 112:13, 112:18 rubin's 112:8 rule 39:4 run 23:5, 27:24, 54:3, 55:2,	61:6, 134:15 running 31:13, 40:20 runs 61:23, 134:2, 134:14, 138:10 ruth 113:20 ruths 113:23 <hr/> S <hr/> s 2:1, 14:3 safe 71:17, 101:21 said 5:17, 9:21, 14:7, 34:17, 38:24, 56:18, 64:17, 70:17, 75:10, 75:22, 75:25, 76:1, 76:14, 76:16, 76:18, 80:11, 82:18, 85:4, 86:6, 94:5, 99:6, 99:11, 99:13, 99:16, 100:9, 103:2, 108:4, 108:8, 121:11, 139:4 same 7:24, 19:7, 35:16, 65:18, 99:10, 105:22, 123:17, 130:23, 131:14, 134:25, 136:17, 138:8 sat 14:6 saturday 54:12, 54:13, 54:14, 54:25, 55:8, 78:3, 78:4, 80:2, 80:3, 99:15, 99:16, 99:18	saul 17:5, 22:7, 58:9, 58:10, 58:11 save 83:22 saw 14:7, 54:13, 86:22, 101:13, 111:14 say 6:11, 7:16, 8:21, 9:9, 9:13, 13:1, 14:2, 15:17, 17:13, 19:17, 20:23, 21:25, 24:20, 32:24, 33:8, 33:21, 33:22, 35:3, 35:17, 39:14, 41:10, 42:1, 44:8, 51:21, 55:25, 56:5, 56:14, 59:2, 59:3, 60:12, 62:10, 66:7, 68:5, 71:17, 72:9, 84:3, 85:22, 86:24, 90:12, 100:23, 101:7, 101:10, 101:21, 109:7, 109:13, 113:8, 130:13, 131:25, 135:10, 135:13, 135:14, 137:9, 139:5 saying 10:20, 81:10 says 39:4, 98:25, 99:10, 99:13, 99:14, 99:18, 101:6, 101:10, 130:24 schedule 40:3 science 17:17
--	--	--	---

Transcript of F. Michael Conte

January 4, 2023

174

screaming 102:19 screen 90:3, 95:11 scroll 91:17, 92:17, 96:8, 96:9, 96:10, 96:12, 98:7, 106:17, 106:18, 106:20, 106:22, 110:22, 110:23, 111:2, 111:4, 115:4, 115:6, 115:9, 115:24, 116:13, 122:20, 126:16, 128:1 se 42:13 second 21:13, 51:10, 69:23, 91:12, 95:8, 96:6, 97:6, 106:16, 110:21, 115:3 seconds 113:23 section 130:20 security 75:25, 76:2, 76:3, 76:8, 76:13 see 49:16, 49:18, 49:19, 50:4, 52:18, 53:11, 53:23, 56:5, 57:25, 60:1, 63:12, 63:14, 63:16, 63:18, 66:14, 71:8, 86:7, 89:12, 91:13, 91:14, 98:7, 98:19, 111:25, 113:15, 115:24, 117:19, 120:7, 121:23,	122:20, 132:13 seeing 43:18 seem 24:21, 24:22, 69:8, 72:24, 76:10, 94:14, 94:17 seemed 76:24, 83:6 seen 54:11, 104:8, 104:11, 111:18, 128:17, 128:18 selection 59:1 sell 28:8, 130:1 send 117:18, 119:12, 119:16 sense 42:19, 67:5, 76:21, 85:5, 89:6, 113:14 sensitive 140:4 sent 90:4, 97:15, 104:5, 116:20, 117:14 sentence 109:22 service 18:4 services 1:7, 2:7, 4:4, 4:19, 5:19, 6:17, 18:2, 97:11, 100:15, 100:22, 123:13, 123:23 set 16:3, 36:7, 40:5, 102:15, 125:4, 145:14 settled 12:2	seven 21:25 seventh 57:11, 57:16, 57:23, 58:1, 65:12, 65:16, 66:25, 67:6, 67:9, 67:17 sex 130:12, 131:7 shall 130:6 shamash 1:18, 17:5, 20:24, 42:8, 42:15, 72:19, 87:4, 87:14, 87:17, 87:20, 87:24, 89:20, 90:18, 91:4, 91:6, 103:16, 103:22, 110:11, 114:18, 114:25, 120:20, 121:15, 122:12, 123:9, 126:3 shamash's 92:9, 92:24, 93:18, 123:22, 125:9, 125:20 shared 90:10, 95:13, 106:14, 114:21, 126:1 shareholder 39:19 shareholders 22:3, 23:6, 23:9, 24:3, 31:2, 31:12, 39:11, 42:2, 130:8 shares 22:13, 22:17, 34:24, 35:4, 35:5, 130:2, 130:10 sheepshead 73:3	shift 64:2, 106:5 shoot 56:13 shoots 63:9 short 27:21 should 6:5, 8:13, 20:23, 46:6, 64:7, 83:18, 88:7, 88:10, 93:15, 101:10, 102:14, 103:8, 108:7, 121:3, 125:3, 126:16, 129:8, 130:13 show 23:24, 83:12, 90:3, 129:22 showed 95:15 side 50:17, 50:18, 55:17, 55:18, 86:4 sign 12:11, 98:3 signature 98:8, 118:18 signature-b7fzp 145:22 signed 93:5, 96:23, 97:4, 98:4, 118:15 similar 94:1 similarly 1:19 simple 142:2 simply 31:11, 123:3 simultaneous 6:4 simultaneously 12:1
--	---	--	--

Transcript of F. Michael Conte

January 4, 2023

175

<p>since 18:9, 18:17, 35:18, 55:24, 57:1</p> <p>sit 55:15, 63:2, 131:25, 138:19</p> <p>sitting 42:16, 44:23, 85:1, 86:10</p> <p>situated 1:19</p> <p>situation 85:16, 86:3, 88:10, 89:17, 89:18</p> <p>situations 109:17</p> <p>six 21:25, 22:9, 24:13, 24:25, 30:13, 30:21, 34:21, 35:12, 36:18, 56:1, 66:5, 96:14, 101:9, 101:11, 133:4, 133:20</p> <p>sixth 18:25, 19:2, 20:18, 53:14, 54:15, 54:16, 55:12, 55:21, 56:3, 56:11, 57:3, 68:20</p> <p>size 19:15</p> <p>skin 84:7</p> <p>skipper 2:37, 4:11</p> <p>skylights 62:14</p> <p>sleepy 54:6</p> <p>small 39:15, 83:2, 133:25</p> <p>smelled 67:14</p>	<p>snuck 89:3</p> <p>sold 12:9, 27:22, 28:5</p> <p>solely 137:12</p> <p>some 5:20, 7:12, 12:6, 14:21, 15:14, 15:21, 15:23, 17:9, 17:13, 19:22, 19:23, 23:14, 23:18, 31:5, 31:8, 37:18, 47:16, 48:9, 50:9, 59:22, 59:23, 60:8, 62:10, 70:23, 75:22, 83:1, 84:20, 85:14, 90:1, 90:13, 90:17, 90:18, 90:21, 117:15, 119:5, 134:11, 138:17</p> <p>somebody 14:9, 41:8, 54:14, 78:17, 79:11, 88:18, 94:7, 109:21, 133:21</p> <p>somehow 45:7</p> <p>someone 7:16, 28:24, 54:9, 78:16, 79:15, 138:3, 139:17</p> <p>something 23:4, 33:13, 88:3, 90:25, 91:14, 95:22, 98:1, 126:24, 132:14, 136:14, 139:3, 144:4</p> <p>sometime 28:10, 66:4,</p>	<p>68:8, 71:17, 128:22</p> <p>sometimes 56:13</p> <p>somewhere 109:20, 138:24</p> <p>sons 78:14</p> <p>soon 59:8, 72:1</p> <p>soon-to-be 61:1</p> <p>sorry 8:21, 10:10, 10:22, 15:16, 25:14, 28:24, 29:8, 29:25, 31:22, 58:6, 62:21, 74:2, 82:15, 90:15, 93:3, 105:13, 109:4, 116:10, 121:3, 124:4, 125:16, 129:5, 132:23, 135:8</p> <p>sorts 76:25</p> <p>soul 86:8</p> <p>sound 69:20, 86:5</p> <p>southern 1:2, 4:6</p> <p>space 28:8, 29:20, 30:5, 41:1, 51:16, 57:16, 58:18, 59:17, 60:6, 62:7, 62:20, 62:22, 63:4, 76:9, 80:21, 83:10, 83:15, 84:2, 88:8, 88:11, 88:21, 89:6</p> <p>speak 14:25, 15:10, 16:19, 16:25,</p>	<p>17:4, 46:4, 46:5, 58:11, 84:8, 86:15</p> <p>speaking 6:5, 28:21, 50:13</p> <p>spearheaded 33:3</p> <p>special 29:4, 29:11</p> <p>specific 18:24, 47:16, 81:20, 81:23, 82:2</p> <p>specifically 7:1, 64:3</p> <p>specifics 43:22</p> <p>speculation 136:18, 138:7</p> <p>spend 12:10</p> <p>spoke 14:24, 58:15, 58:16</p> <p>spoken 16:17</p> <p>spot 48:19</p> <p>square 19:17, 78:9, 78:10</p> <p>ss 3:18, 126:11, 126:12</p> <p>stab 27:2</p> <p>stability 93:9</p> <p>staff 120:7, 121:23</p> <p>staircase 29:7, 29:10, 29:13, 59:25, 60:1, 60:3</p> <p>stairs 53:18</p> <p>stairway 59:20</p>
--	---	---	---

Transcript of F. Michael Conte

January 4, 2023

176

stamp 117:3, 117:4, 117:8, 117:22 standard 4:10 start 40:13, 40:14, 48:17, 110:24, 122:21 started 20:12, 69:14, 75:21, 140:3 starting 9:20, 92:15, 120:3, 122:25 starts 21:14, 127:1 state 4:15, 5:9, 134:6, 134:17 stated 72:7, 102:9, 124:22 statement 107:24, 108:19, 112:9, 140:9 statements 12:3 states 1:1, 4:5, 35:22, 130:1, 145:4 status 130:14, 131:7 stay 20:8 stays 54:16 stefani 25:14, 25:17, 27:12 stenographically 145:12 steps 131:11, 131:18 sticks 75:18 still 89:4, 109:11	stole 14:9 stolen 9:15 stop 88:1 stopping 113:1 story 19:14 strange 72:24, 89:2 street 1:15, 1:21, 2:16, 6:22, 19:3, 19:5, 19:11, 20:2, 48:20, 49:11, 50:16, 96:20, 98:23 stress 79:25 stuff 23:4, 37:19, 49:3, 49:4, 50:22, 51:2, 71:8, 89:9 stupid 117:16 subject 11:21, 19:7, 46:15 subjects 10:7, 11:3 sublease 35:20, 36:2, 36:10, 36:14, 36:18, 36:21, 37:9, 38:14, 38:20, 39:6, 39:20, 41:24, 42:4, 42:21, 43:9, 43:23, 44:17, 46:21, 65:2, 65:5, 67:21, 68:3, 68:13, 68:17, 68:24, 69:24,	70:4, 70:9, 70:13, 70:25, 71:3, 71:13, 71:20, 71:24, 77:14, 84:5, 84:14, 85:19, 86:16, 86:20, 87:4, 87:10, 87:18, 87:21, 89:21, 95:1, 95:3, 96:21, 97:12, 104:6, 104:8, 104:20, 105:6, 105:18, 108:18, 112:2, 112:19, 112:25, 119:22, 120:14, 120:18, 123:14, 123:23, 123:24, 125:10, 125:21, 131:2, 131:19, 135:16, 135:20, 136:11, 142:24, 143:4, 143:9, 143:14, 143:17, 143:21 subleasing 36:25 sublet 96:19, 130:3 sublets 107:17, 109:23 submit 71:2, 96:21, 96:25, 97:12, 103:9 submits 39:25 submitted 40:12, 70:12, 71:6, 93:22, 96:24, 97:16, 97:18, 112:2 substance 80:17 substances 8:9 subtenants 103:25, 109:25	sued 64:23 suffering 8:3 suggest 140:19 suit 12:5 suite 2:31 suited 86:2, 86:14 sum 12:4 summary 129:10 sums 125:7 sunshine 13:12, 13:15 super 54:24 supposed 141:17 sure 7:10, 22:1, 22:7, 27:7, 32:5, 32:13, 34:12, 34:13, 35:24, 39:15, 60:23, 65:6, 68:6, 68:11, 71:6, 85:24, 90:23, 91:3, 91:16, 92:23, 107:13, 107:18, 116:5, 116:8, 118:10, 118:13, 122:2, 122:17, 126:18, 127:4, 130:18, 130:19, 131:11, 131:16, 131:17, 131:19, 138:24 surgery 20:15 surprises 55:10
---	---	---	---

Transcript of F. Michael Conte

January 4, 2023

177

<p>susan 104:13, 104:16, 107:20, 117:18, 126:1 swear 5:4 sworn 5:8, 145:8 system 23:17, 110:9 systems 23:19, 145:25</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table 132:9, 138:19 take 7:9, 27:2, 33:12, 38:22, 40:1, 40:23, 42:21, 43:9, 43:14, 43:19, 44:6, 44:13, 58:21, 64:8, 88:2, 91:11, 96:6, 106:15, 110:20, 112:21, 113:10, 113:15, 114:6, 115:2, 126:14, 130:24, 133:17, 136:21, 142:5 taken 64:13, 114:11, 131:11, 131:18, 145:12 taking 5:16, 6:9, 8:8, 40:20, 113:25 talk 55:11, 58:24, 64:3, 83:2, 88:7, 88:10 talked 16:3, 30:24, 47:13, 141:15 talking 76:22, 79:5,</p>	<p>94:3 tara 2:10, 4:17, 5:14, 10:24, 90:11, 93:1, 105:12, 113:4, 118:1, 124:12, 126:22, 139:20, 140:2, 144:4 taste 61:11 tastings 61:9 tawil 17:5 tech 93:7 technician 2:36 technology 73:9 tell 10:15, 10:21, 26:2, 26:4, 37:23, 48:15, 58:16, 59:5, 66:3, 67:18, 67:19, 74:23, 117:2 telling 136:3 ten 51:22, 60:13, 90:2, 113:10, 114:1 ten-minute 64:5 tenancy 123:5 tenant 65:21, 65:22, 65:24, 66:9, 66:12, 66:16, 84:5, 84:10, 84:11, 87:2, 88:8, 88:11, 93:6, 94:22, 120:20, 121:2</p>	<p>tenants 93:16, 94:9 tendered 112:7, 112:9 tenth 29:4, 58:24, 59:7, 59:14, 59:18, 59:21, 60:9, 60:16, 60:19, 60:25, 61:4, 61:9, 61:18, 68:24 term 6:25 terms 32:11, 39:16, 76:25, 103:1, 129:10 terrible 60:5 testified 5:8, 136:6, 140:11 testify 10:8, 11:3, 115:25, 140:9, 145:8 testifying 7:25, 8:5, 8:10, 8:14 testimony 7:24, 11:22, 13:22, 13:25, 14:9, 14:16, 14:23, 15:24, 31:21, 31:25, 109:3, 109:11, 124:7, 145:12 text 126:20 th 1:15, 1:20, 2:16, 2:22, 6:22, 18:22, 19:3, 19:5, 19:11, 20:2, 20:22, 20:23, 28:3, 28:9,</p>	<p>28:16, 28:17, 28:20, 28:21, 28:25, 29:1, 29:13, 29:16, 29:23, 30:2, 58:25, 59:7, 59:9, 60:20, 61:1, 61:4, 61:20, 61:25, 62:8, 62:20, 62:22, 62:25, 63:9, 63:13, 68:6, 69:1, 72:3, 75:1, 77:3, 92:6, 92:25, 94:24, 96:20, 98:1, 98:5, 98:15, 98:23, 100:9, 101:18, 107:9, 107:14, 115:20, 116:9, 118:15, 118:17, 118:21, 121:7, 121:19, 125:14, 125:18, 142:22, 143:3, 143:13 thank 6:15, 7:6, 8:17, 9:4, 11:1, 11:7, 12:22, 13:20, 16:8, 17:7, 17:15, 18:19, 21:3, 22:12, 25:23, 26:19, 32:18, 43:21, 47:11, 90:8, 91:20, 92:1, 95:20, 107:19, 107:23, 114:8, 122:10, 123:11, 123:20, 127:16, 129:12, 142:6, 144:1, 144:8, 144:9, 144:11 thanked 83:2</p>
--	--	--	--

Transcript of F. Michael Conte

January 4, 2023

178

thanks 144:6 themselves 4:15, 13:13, 134:6, 136:23 therapist 76:20 therapists 76:14, 76:16, 84:23, 120:7, 121:8, 121:22 therapy 80:12 they'd 99:13 thick 126:19 thing 5:21, 33:2, 39:1, 40:8, 44:25, 45:2, 79:4, 79:7, 89:7, 94:10, 103:7 things 24:6, 45:24, 70:22, 77:7, 77:23, 78:3, 103:21, 122:6, 132:12 think 14:10, 16:2, 22:6, 22:9, 24:24, 25:24, 26:17, 28:10, 31:24, 32:1, 35:8, 38:11, 38:21, 40:7, 40:9, 41:15, 41:18, 41:20, 45:8, 45:21, 46:2, 46:4, 46:7, 46:25, 47:2, 53:17, 54:20, 57:19, 58:22, 59:23, 60:7, 63:5, 64:7, 64:23,	67:2, 69:18, 70:1, 71:5, 71:16, 72:3, 73:11, 73:18, 77:18, 78:15, 79:22, 79:23, 80:8, 80:11, 80:16, 80:22, 81:9, 81:18, 83:10, 83:17, 83:22, 84:4, 84:19, 84:24, 85:4, 85:12, 85:24, 86:3, 88:3, 88:5, 88:8, 88:9, 89:25, 91:7, 92:8, 92:11, 93:19, 98:3, 98:4, 99:2, 99:12, 100:1, 100:13, 100:19, 100:21, 101:21, 102:13, 102:18, 103:16, 103:19, 109:8, 110:2, 113:4, 113:13, 115:10, 121:25, 125:2, 125:7, 125:12, 134:8, 139:18, 139:24, 140:12 thinking 20:11, 30:21 thinks 94:7 third 47:22, 47:24, 48:2, 48:3, 109:22 thought 24:20, 42:7, 58:9, 67:9 thoughts 102:16 three 26:3, 34:6, 34:9, 35:2,	35:5, 35:7, 48:20, 56:1, 57:6, 58:19, 87:12, 113:23, 121:25, 126:19, 126:25, 128:14 threw 82:21 through 9:15, 11:24, 12:2, 12:16, 36:1, 46:6, 47:16, 56:21, 83:18, 90:1, 113:11, 114:3 throughout 6:18 time 4:9, 4:10, 6:5, 7:17, 8:19, 8:23, 9:13, 9:17, 9:21, 13:3, 27:8, 27:21, 34:18, 40:5, 42:23, 43:1, 51:24, 54:17, 58:14, 62:4, 64:5, 64:12, 64:15, 67:2, 68:12, 68:19, 69:2, 69:23, 70:3, 73:9, 73:24, 74:3, 74:8, 74:12, 83:20, 90:10, 92:12, 94:13, 94:25, 95:13, 102:3, 106:14, 107:16, 108:1, 110:11, 111:20, 113:3, 113:24, 114:10, 114:13, 114:21, 116:20, 138:22, 143:19, 144:6, 145:13 times 20:6, 58:19,	88:6, 101:11, 122:1 timestamp 116:23, 117:11, 124:16, 139:17 title 129:1 titled 59:3 today 4:11, 5:3, 5:17, 5:22, 7:12, 8:6, 8:10, 8:15, 14:20, 15:4, 20:17, 21:3, 21:19, 25:3, 28:25, 30:8, 37:21, 55:25, 56:1, 57:18, 85:1, 86:10, 90:14, 116:19, 118:3, 134:8, 134:12, 141:22 today's 4:8, 15:7, 16:20, 17:1, 17:5 together 35:2, 72:2, 101:23, 102:22 told 44:24, 46:25, 58:21, 69:14, 88:2, 88:7, 97:16, 97:17, 105:24, 109:21, 120:19, 123:4, 136:2, 136:4, 136:22 took 18:18, 65:11, 121:19 top 98:18, 98:21, 107:2, 116:13, 128:7, 129:2, 129:13
---	--	--	--

Transcript of F. Michael Conte

January 4, 2023

179

topic 33:7, 140:4 torgerson 69:7 total 22:16, 113:3 touton 1:17, 2:17, 6:24, 20:23, 25:12, 26:5, 27:4, 28:21, 29:1, 35:2, 59:1, 60:21, 61:17, 68:23, 71:7, 71:10, 72:18, 81:24 touton's 28:16, 29:12, 29:22, 30:1 town 73:1, 143:1 traced 67:10 track 55:25 traffic 93:12, 93:13, 94:20, 100:7, 105:3, 105:5, 105:9, 105:20, 137:12, 137:23 training 141:4 transactions 9:16, 11:25 transcript 15:24, 145:11 traveling 112:4 treasurer 21:21 treatments 70:21 treats 75:8 trial 14:4 trotted 78:24	truck 50:14 trucks 50:4, 50:7, 50:13, 50:15 true 145:11 truth 73:12, 74:20, 76:16, 145:8, 145:9 truthfully 8:5, 8:10, 8:15 try 38:4, 38:5, 40:3, 40:7, 40:18, 90:20 trying 16:3, 24:23, 48:4, 48:7, 54:4, 62:6, 83:22, 113:5, 113:19, 117:12, 122:17 turned 14:10 turner 2:10, 3:6, 4:17, 5:12, 5:14, 10:16, 11:1, 11:2, 28:22, 47:2, 64:2, 64:16, 81:9, 90:6, 90:15, 91:3, 91:10, 93:3, 95:5, 95:20, 96:3, 96:4, 97:5, 98:17, 105:13, 106:7, 107:1, 107:4, 110:4, 110:12, 110:16, 111:22, 112:21, 113:8, 113:18, 114:5, 114:14, 114:16, 114:22, 115:23, 116:12, 117:6,	118:8, 120:5, 122:19, 124:14, 126:6, 127:4, 127:18, 127:22, 129:5, 129:16, 129:21, 139:16, 140:8, 140:22, 141:1, 141:2, 142:3, 144:5, 144:8 twisted 89:16 two 21:6, 34:21, 50:16, 52:21, 52:25, 56:1, 59:23, 63:18, 78:14, 79:7, 80:13, 92:24, 112:24, 113:23, 116:10, 121:16, 122:6, 122:20 type 34:10, 50:14, 66:11, 70:23, 78:11, 86:3, 103:21, 132:10 types 31:5, 31:8, 31:10, 77:7 typically 20:9, 23:24, 27:18, 27:20, 32:22, 37:24, 38:9, 39:5, 39:10, 39:20, 40:23, 44:13, 58:4 <hr/> U <hr/> ultimately 13:8 um-hum 131:3 unanimous 42:13 unanimously 123:8	unattended 54:2, 54:20, 78:2 uncle 59:4 undated 116:15 under 7:21 understand 6:6, 6:13, 6:18, 7:4, 7:20, 7:23, 8:2, 8:18, 8:22, 9:1, 22:21, 31:4, 38:5, 42:10, 43:21, 57:9, 64:1, 73:25, 74:4, 74:6, 74:10, 74:11, 74:16, 75:19, 78:9, 78:20, 82:16, 85:2, 85:10, 97:22, 99:24, 100:17, 112:8, 113:5, 121:17, 122:15, 130:20, 130:25, 131:4, 138:22, 139:7 understandable 76:11 understanding 64:19 understood 14:12, 14:25, 16:8, 19:25, 21:11, 27:11, 29:3, 33:24, 35:11, 47:11, 52:11, 59:6, 82:20, 101:12, 118:8, 121:3, 125:8, 140:22 uninvited 44:8 unit 130:3
--	---	--	---

Transcript of F. Michael Conte

January 4, 2023

180

united 1:1, 4:5 unless 10:14, 10:20, 13:14, 56:8, 91:6, 113:6, 119:6, 144:3 unlock 55:7 unlocked 55:4 unoccupied 57:12, 65:20 unrealistic 40:10 unreasonable 81:15, 81:19 unreasonably 130:6, 131:1 until 6:2, 77:19, 89:5, 118:22 ups 50:11 upsetting 139:8, 139:9 upstairs 67:3 upstate 82:12 use 6:25, 53:7, 53:15, 56:10, 76:22, 79:18, 79:25, 80:14, 80:23, 82:8, 83:10, 83:24, 93:11, 93:19, 94:1, 94:14, 94:18, 100:10, 100:11, 101:15, 105:2, 105:4, 120:22, 121:8, 132:4, 132:6, 132:11, 136:6, 137:7, 137:24 user 93:10, 93:24,	93:25, 94:4, 94:7, 94:21 users 75:11 using 53:12, 53:16, 66:15 usually 44:5, 52:21, 56:18, 56:19 <hr/> V <hr/> various 9:16, 11:25, 37:19 vendors 33:4 verbal 24:12, 45:7, 103:13 versus 11:16 vested 131:23 vet 23:20 vetted 133:1 vetting 33:4, 133:7 via 2:2, 8:24, 103:17, 103:25, 109:25 viable 23:19 video 4:9, 4:12, 144:14 videoconference 2:3 videographer 2:37, 4:1, 4:10, 5:2, 64:11, 64:14, 114:9, 114:12, 142:7, 144:12 videorecorded 9:2	videotaped 1:25, 4:2 viewed 120:11 violated 13:15 virtual 16:14 virtually 1:27 visit 20:7, 47:25, 61:3, 62:7, 81:14, 85:2, 101:4 visited 47:23, 51:9, 51:12, 51:24, 59:13, 61:25, 66:22, 66:25 visiting 80:20, 80:21, 81:3, 81:11, 101:14 visitors 49:8, 52:12, 53:23, 56:3, 56:10, 56:25, 57:7, 57:25, 61:8, 63:12, 66:14, 85:2, 102:9, 124:22 voice 4:14 volume 78:11, 78:23, 79:16, 80:5 volunteer 24:12, 132:25 volunteering 24:21 vote 23:25, 24:6, 24:7, 24:12, 42:3, 42:6, 42:8, 42:12, 42:18, 42:21, 43:4, 43:9,	43:15, 43:17, 43:25, 44:16, 83:12, 83:14, 83:25, 84:5, 86:16, 86:22, 86:23, 93:6, 103:14, 103:17, 119:22, 130:8, 143:12, 143:16 voted 42:9, 42:14, 45:1, 86:22, 123:7, 123:9, 137:11 votes 33:12, 33:25, 34:11, 41:23 voting 42:11, 43:8, 43:18 <hr/> W <hr/> wait 6:1, 53:5 walk 20:16, 36:1, 47:15, 60:2 walking 53:18 wallet 14:9 want 10:24, 13:1, 39:8, 55:10, 60:2, 64:5, 73:12, 74:19, 76:15, 84:10, 86:8, 91:11, 95:23, 98:6, 111:22, 113:9, 113:10, 114:2, 115:2, 124:6, 124:12, 125:5, 126:14, 127:2, 133:8, 138:20, 140:23 wanted 7:16, 30:4,
---	---	---	--

Transcript of F. Michael Conte

January 4, 2023

181

32:2, 45:24, 47:12, 76:23, 78:2, 78:3, 82:20, 102:24, 108:12 wants 23:22, 32:7, 71:16, 102:21, 133:8, 134:3 waste 60:5, 83:20 water 58:18 way 29:5, 46:10, 53:15, 54:25, 80:3, 84:3, 86:1, 86:11, 86:24, 119:6, 128:7, 139:8, 140:6 we'll 33:5, 33:6, 40:25, 43:22, 48:16, 64:10, 91:7, 103:14, 110:14, 114:6, 118:6, 133:22 we're 5:22, 20:17, 23:9, 28:13, 33:4, 35:18, 39:16, 39:17, 54:1, 57:7, 64:11, 64:14, 64:23, 71:15, 80:1, 81:12, 84:6, 89:25, 91:3, 93:8, 94:22, 107:1, 110:2, 110:9, 111:24, 114:9, 114:12, 122:14, 122:15, 129:12, 131:22, 132:1, 132:2, 132:11, 133:21, 136:22, 138:13, 138:14,	142:19, 144:13 we've 36:15, 43:14, 45:20, 50:16, 59:15, 93:6, 94:11, 108:4, 116:18, 141:14 website 73:19 wednesday 1:28 week 55:5, 56:6, 63:16, 76:17, 76:18, 78:25, 85:6, 101:10 weekend 54:7, 56:24 weekends 20:4, 20:6, 50:1, 53:25, 54:1, 54:19, 56:22 weekly 101:7 weeks 43:5 weigh 33:6 welcome 114:15 well-being 81:13 went 9:19, 12:2, 14:6, 14:22, 20:13, 20:14, 86:18, 89:12 weren't 94:5, 94:6, 111:17, 111:19 west 1:15, 1:20, 6:22, 18:22, 19:2, 19:5, 19:11, 20:2, 96:19, 98:23 whatever 14:23, 44:9,	86:9, 89:18, 113:11, 114:2, 135:8 whatnot 71:7 whenever 36:11, 54:17 whereby 9:14, 13:12, 75:8 wherever 40:25 whether 11:9, 33:13, 37:12, 122:6, 133:12, 139:22 white 2:36 whoever 37:6 whole 45:2, 85:24, 89:17, 94:9, 145:8 wife 15:2, 78:13 windows 62:16, 62:18 wine 59:12, 61:7, 61:9, 61:12, 61:13 withheld 130:6 withhold 131:1, 131:5, 131:12 within 43:4, 118:25, 140:12 without 38:17, 55:2, 130:3 witness 3:3, 4:22, 5:5, 5:11, 10:22, 14:3, 14:5, 31:22, 91:21,	91:22, 91:24, 96:9, 96:11, 98:6, 106:18, 106:19, 106:21, 106:23, 110:23, 111:1, 111:2, 111:3, 111:4, 111:7, 113:22, 114:8, 115:5, 115:6, 115:8, 117:9, 124:4, 124:8, 126:21, 128:1, 128:2, 128:6, 128:9, 128:10, 139:20, 139:21, 140:16, 142:14, 144:11 witness's 139:23 wood 50:16, 50:19 word 15:16, 54:20, 80:18, 108:4, 108:7, 109:14, 109:16 words 139:22 work 17:22, 18:10, 32:21, 49:5, 52:3, 54:24, 55:20, 60:25, 81:14, 83:25, 88:18, 88:21, 89:3, 89:5, 89:11, 99:15, 101:1, 110:25 working 29:18, 29:21, 57:6, 99:14 works 55:23, 57:15, 57:22, 69:9, 113:17 world 133:16, 138:23, 138:24
---	--	--	---

Transcript of F. Michael Conte

January 4, 2023

182

wouldn't 12:11, 41:21, 41:22, 49:10, 87:22, 87:24, 113:24, 132:20 wow 76:1 write 97:21, 107:8 writing 38:17, 45:5, 112:7, 112:9, 112:19, 118:4, 137:8 written 94:16, 94:17, 130:8 wrong 108:4, 108:7, 109:14 wrote 94:23, 99:20 <hr/> X xi 145:26 <hr/> Y yea 33:15, 33:17, 33:18, 33:22 yeah 11:14, 19:20, 33:14, 34:12, 35:17, 36:19, 38:25, 39:14, 48:3, 48:19, 50:22, 55:6, 55:14, 56:13, 65:22, 66:7, 69:17, 79:22, 100:23, 104:10, 109:2, 119:11, 124:8, 127:24, 139:15 year 24:11, 28:10, 70:1, 79:7,	103:11 years 9:9, 9:13, 9:22, 11:4, 11:11, 21:25, 22:1, 30:13, 30:22, 35:12, 36:18, 36:22, 58:17, 60:19, 65:18, 66:5, 67:12, 80:13, 93:8, 116:11, 128:22 york 1:2, 2:12, 2:23, 2:32, 4:6, 9:11, 10:5, 11:19, 18:22, 77:11, 82:12, 82:21, 145:5 young 132:2 yourself 6:24, 25:10, 27:16 yup 6:14, 7:22, 44:12, 106:25 <hr/> Z zoom 2:3, 8:24, 16:12, 38:25, 91:20, 95:7, 107:3, 111:23, 111:24 <hr/> \$ \$500,000 12:10 <hr/> . .110 3:16 .126 3:19 .142 3:7	.4200 2:13 .5 3:6 .5800 2:33 <hr/> 0 00836 145:26 03 114:13 03429 1:8, 4:7 0364 127:23 0397 3:19, 129:23 0398 129:20 06 60:17 09 1:29, 4:9 <hr/> 1 1 144:15 10 1:29, 4:9, 20:24, 29:13, 84:15, 113:20, 114:6 100 22:1, 40:15, 60:23, 85:8 10018 2:23 10020 2:32 10111 2:12 11 20:24, 28:3, 28:9, 28:16, 28:17, 28:20, 28:21, 28:25, 29:1, 29:13,	29:16, 29:23, 30:2, 58:25, 59:7, 59:9, 60:20, 61:1, 61:4, 64:10, 64:12, 64:15, 69:3 1170 2:24 12 19:14, 20:22, 20:23, 34:18, 61:20, 61:25, 62:8, 62:11, 62:20, 62:22, 62:25, 63:9, 63:13, 67:3, 69:1, 76:1, 76:7, 76:12, 76:16, 84:23, 95:16, 98:9, 101:3, 114:6, 114:10, 120:7, 121:22, 124:16, 133:5, 133:20 1270 2:30 129 18:22, 19:2, 19:5, 19:11, 20:2, 98:23 13 114:13, 144:14 14 40:8, 72:3, 75:1, 77:3, 101:18, 107:14, 115:20, 116:9, 118:15, 118:17, 118:21, 121:7, 121:19, 125:14, 125:18, 142:22, 143:3, 143:13 1430 2:22 145 1:33 15 9:13, 11:11,
---	--	---	---

Transcript of F. Michael Conte

January 4, 2023

183

84:15, 113:20 17 2:22 18 68:7, 68:11 19 18:17, 20:11, 57:1, 68:7, 68:9, 92:6, 92:25, 94:24, 98:9, 100:9 1992 18:17, 18:18 1:-cv 4:7	212.784 2:33 24 98:1, 98:5, 98:9 26 68:6, 98:1, 98:15, 107:9 27 1:15, 1:20, 2:16, 3:16, 6:22, 18:22, 19:3, 19:5, 19:11, 20:2, 96:20, 98:23	45 2:11, 38:11, 72:9 475520 1:32 48 144:14, 144:15 4th 4:8	
2	3	5	
20 1:8, 4:7, 9:9, 9:22, 11:4, 36:21, 92:25, 94:24 200 101:11, 127:11 2006 18:9, 18:13, 19:4 201 2:24 2019 3:16, 92:25, 94:24, 107:9 2020 20:12, 75:1, 77:3, 101:18, 107:14, 115:21, 118:17, 121:7, 121:19, 125:14, 125:18, 142:22, 143:3, 143:13 2022 28:11 2023 1:28, 4:8, 28:14, 145:27 212 2:24 212.589 2:13	30 20:10, 56:17, 56:20, 56:21, 64:12 300 101:10, 101:11 31 124:16 33 110:6 34 3:18, 127:1, 127:2, 129:24 35 64:10, 129:14, 129:19 359 128:3 36 3:18, 127:2 38 64:15 399 3:19	50 65:18, 76:20, 85:5, 101:6, 101:9, 114:6, 114:10, 120:8, 121:23 501 2:31 54 124:16	
		6	
		600 76:18, 78:25, 84:22, 85:6, 85:8 65 130:9	
		7	
		70 34:19	
		8	
		8 56:17, 56:21	
		9	
	4	9-5 93:14 90 14:3 92 18:17	
	40 34:20, 34:23, 133:23		